

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16606-2018

Date of decision: 21.08.2018

Manjit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Ms. Gurvir Kaur Gill, Advocate,
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

Learned counsel for the petitioner prays for grant of regular bail to the petitioner in case FIR No. 196 dated 14.12.2015 under Sections 363, 366-A, 376 IPC and Section 5(L) R/W Section 6 of POCSO Act, 2012, registered at Police Station Sadar Jalalabad, District Fazilka while contending that the petitioner herein is the sister of the main accused.

Learned counsel appearing on behalf of the petitioner would contend that the material witness in the said case has been examined and the petitioner has been in custody since 18.02.2016. It is further contended that the trial would take some time to conclude since an application under Section 319 Cr.P.C. has been allowed and out of total 19 witnesses 04 four have been examined. In this background, he prays for grant of bail to the petitioner.

Ms. Seena Mand, learned DAG, Punjab opposed the grant of regular bail while submitting that the allegations against the petitioner herein are serious in nature.

I have heard learned counsel for the parties.

In view of the fact that the petitioner herein has been incarcerated since 18.02.2016 and the material witness has been examined and the trial is likely to take some time to conclude as out of total 19 witnesses only 04 have been examined, the present petition is allowed. Without expressing any opinion on merits of the case, the petitioner is ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (i) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the accused shall have to apply for bail afresh before the trial Court.
- (iii) He shall not leave the country without the previous permission of the Court.

21.08.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.