

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M No.33945 of 2018

Date of decision : 12.09.2018

Karamjit Kaur

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Monty Goyal, Advocate for the petitioner.

Mr. C. L. Pawar, Senior DAG, Punjab.

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DAYA CHAUDHARY, J.

Petitioner Karamjit Kaur has approached this Court by way of present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to her in case FIR No.153 dated 04.10.2016 under Section 420 of the Indian Penal Code, 1860 registered at Police Station City Kotkapura, Distt. Faridkot, during pendency of the trial.

Learned counsel for the petitioner submits that earlier the petitioner was granted regular bail by the Court below and she attended the Court proceedings regularly for a period of one year. Thereafter, due to unavoidable circumstances, she could not attend the Court as she was under depression because of her false implication in the case and ultimately she was declared as proclaimed offender. Learned counsel further submits that neither any summons/warrant or proclamation was ever received by the

petitioner at her permanent address and she was not aware about the status of the case. She was arrested on 08.02.2018 and since then she is in custody. Learned counsel also submits that the petitioner undertakes to abide by all the terms and conditions to be imposed by this Court or by the trial Court. No purpose would be served by keeping her in custody.

Learned State counsel has not disputed the submissions made by learned counsel for the petitioner with regard to earlier release of the petitioner on regular bail and thereafter the custody period undergone by her.

Heard arguments of learned counsel for the petitioner and have also perused the contents of the FIR and other documents on the file.

Admittedly, the petitioner was earlier released on regular bail by the trial Court but subsequently, she could not appear and her bail was cancelled. Thereafter, she was arrested on 08.02.2018 and since then she is in custody. The offence is triable by Magistrate. Trial may take some time to conclude and no purpose would be served by keeping the petitioner in custody.

Accordingly, the present petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

12.09.2018

sunil yadav

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No

**(DAYA CHAUDHARY)
JUDGE**