

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-47933 of 2018 (O&M)
Date of decision : December 13, 2018

Anjli @ Harjit Kaur @ Simarpreet Kaur

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. JS Bhinder, Advocate, for the petitioner
Mr. Dhruv Dayal, Sr. DAG, Punjab for the State assisted by
ASI Surjit Singh, PS City-2, Mansa

Fateh Deep Singh, J. (Oral)

This is first regular bail application under Section 439 of the Cr.P.C. filed by accused Anjli alias Harjit Kaur alias Simarpreet Kaur in case FIR No. 90 dated 21.11.2016, under Sections 406, 498-A, 494, 120-B IPC, Police Station City-2, Mansa.

The facts that have been well highlighted before this Court by the two sides are that the present case was got registered on the application of Gurpreet Kaur wife of accused/non-applicant Avtar Singh alias Tari alleging that the husband of the complainant in connivance and participation of his mother Sukhpal Kaur co-accused non-applicant got married her husband to the present petitioner who was earlier married to one

Jagtar Singh from which she has born a child leading to the registration of the present case and wherein she was declared proclaimed offender on 2.8.2018 and was arrested on 5.9.2018 and since then is in custody.

Mr. JS Bhinder, learned counsel for the petitioner has argued that the petitioner is behind the bars since more than three months and has minor child to look after and rather claimed that it was the petitioner upon whom deception has been played and being innocent lady has been taken in after her relations with previous husband has soured.

Learned State counsel assisted by ASI Surjit Singh, PS City-2, Mansa has opposed the grant of bail on the grounds that the petitioner is facing three other criminal cases bearing FIR No. 142 dated 6.11.2013, under Sections 323, 324 IPC, PS Chhajli, District Sangrur; FIR No. 1 dated 2.1.2014, under Section 420 IPC, PS Chhajli, District Sangrur and FIR No. 84 dated 10.6.2015, under Sections 452, 326, 506 IPC, PS Chhajli, District Sangrur and that she knowingly had entered into this relationship and thus was not entitled to any bail as she was earlier declared as proclaimed offender and if allowed bail will again abscond.

Going through the submissions, the allegations of the State that the petitioner is facing three criminal cases and which are of not serious nature besides the fact as is contended by the counsel for the petitioner that she is on bail in those cases. It was after one month of her being declared proclaimed offender she was arrested and since then is in custody for almost

more than three months. The learned State counsel could not bring to the notice of the Court any previous history of conviction of the petitioner in a criminal case. The investigations and trial are not likely to be concluded in the near future, no useful purpose will be served by continuing detention of the petitioner. Accordingly, she is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Sangrur.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

December 13, 2018

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No