

216 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

Hemlata
2018.04.06 11:23
I attest to the accuracy and
integrity of this document

CRM-M-5283-2018(O&M)

Date of decision: 05.04.2018

Davinder Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Prashant Vashisth, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.) in FIR No. 87 dated 26.06.2007 for offences under Section 420-B of IPC, registered at Police Station Bhogpur, Jalandhar.

Learned counsel for the petitioner submits that the petitioner, aged about 55 years, is suffering from multiple disease. Learned counsel for the petitioner further submits that the main allegations are against co-accused Manjit Singh (husband of the petitioner) and Mohinder Kaur and both of them have since expired. He further submits that the petitioner is in judicial lock up since 04.01.2018, the investigation is complete and challan has already been presented. It is further submitted that since the offences are triable by the Court of Magistrate, it will take long time in conclusion of the trial. Counsel for the petitioner further submits that the petitioner is not involved in any other case.

Learned State counsel has filed the custody certificate dated 04.04.2018 and as per this certificate, the petitioner is in judicial lock up

since 04.01.2018 and has already undergone 03 months of judicial custody.

Learned State counsel has further submitted that the petitioner was declared proclaimed offender by the trial Court vide order dated 15.05.2013.

In reply, learned counsel for the petitioner submits that the petitioner was never served with any notice and she was not aware of the pending proceedings and therefore, the petitioner has surrendered and is in judicial lock up.

Without commenting on the merits of the case and considering the fact that the investigation is complete; challan has already been presented; she is in judicial lock up since 04.01.2018; since the offences are triable by the Court of Magistrate, it will take long time in conclusion of the trial and also in view of the fact that the co-accused of the petitioner have already died, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to her furnishing two surety bonds out of which, one surety should be member of Panchayat/ Lambardar or a close relative of the petitioner from the village Bhatnoora Lubana, to the satisfaction of the trial Court.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner .

(ARVIND SINGH SANGWAN)
JUDGE

05.04.2018
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No