

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-904 of 2019

DATE OF DECISION:-22.01.2019

ANITA

...PETITIONER...

V.

STATE OF PUNJAB

...RESPONDENT...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Aman Garg, Advocate for the petitioner.

Mr. A.S. Gill, DAG, Punjab.

Mr. S.S. Grewal, Advocate for the complainant.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C. prayer has been made for grant of regular bail to the petitioner, who was summoned by Id. Additional Sessions Judge, Ludhiana to face trial vide order dated 05.08.2017 (P-4) under Sections 302, 307, 447, 506, 511, 120-B, 148, 149 and Sections 25/27 of the Arms Act at Police Station Dehlon, District Ludhiana.

In nutshell, petitioner along with other accused was booked in the aforesaid FIR for committing murder of one Dharampal and causing injury to Sanjay. During Investigation, the petitioner and few others named in the FIR were found innocent. Therefore, they were placed in column No.2 of the final report under Section 173 (2) Cr.P.C.

Complainant moved an application under Section 190 Cr.P.C.

for summoning of the petitioner as additional accused, which was allowed by the trial court. Consequently, the petitioner was ordered to be summoned to face trial.

The petitioner approached this Court by way of CRM-M-35175-2017 (O&M), seeking anticipatory bail, which was dismissed on 01.11.2017. Thereafter, the petitioner filed another petition bearing CRM-M-36285-2017 (O&M), praying for quashing order dated 22.09.2017 of the trial court, whereby presence of the petitioner was ordered to be secured through non-bailable warrants. The said petition was disposed vide order dated 30.08.2018, directing the petitioner to appear before the trial court within a week and to the trial court to decide her bail application within next two days. Consequently, the trial court on surrender of the petitioner, heard her bail application and dismissed the same.

Learned counsel for the petitioner contends that the police has already filed final report under Section 173(2) Cr.P.C. after concluding the investigation. Therefore, the petitioner is not required for any custodial interrogation. Petitioner is in custody since 27.08.2018. Framing of charge and conclusion of trial may take sufficient long time. Petitioner is a hapless women. She has to take care of her family. Therefore, no useful purpose would be served by detaining the petitioner in jail any more during trial. Co-accused of the petitioner namely Usha Rani has been granted regular bail by a coordinate Bench of this Court vide order dated 21.12.2018 passed in CRM-M-57235 of 2018

(P-10). Treating the case of the petitioner on the same parity, she may also be granted the concession of regular bail.

On the other hand, learned counsel for the complainant, who has appeared on his own and filed memo of appearance, which is taken on record, contends that two co-accused are still at large and P.O. proceedings are going on against them. In case, petitioner is granted bail, she may help her co-accused in their absconding. The petitioner has attributed specific role in the aforesaid FIR.

Having given thoughtful consideration to the rival submissions, this Court finds merit acceptance of this petition for the reasons that co-accused of the petitioner namely Usha Rani having similar role has already been enlarged on regular bail. Therefore, case of the petitioner has to be treated on same parity. Conclusion of trial may take sufficient long time.

Considering the above factors, but without commenting on the merits of the case, the petition is allowed. Petitioner is ordered to be released on interim bail till conclusion of trial, on his furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

22.01.2019

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(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:**Yes/No****whether reportable:****Yes/No**