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

CRM-M-26750 of 2019

Date of decision: July 04, 2019

Kammo @ Karamjit Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ravi Malhotra, Advocate for the petitioner.

Mr. V.G. Jauhar, Senior DAG Punjab.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail to the petitioner, in FIR No.0398 dated 09.11.2018, under Section 379-B of Indian Penal Code, 1860, registered at Police Station Zirakpur, District SAS Nagar.

As per prosecution case, allegations against the petitioner are that on 31.10.2018, she along with co-accused had looted the complainant.

Contentends that the petitioner is in custody since 11.11.2018 and the trial is going on. Also contends that there are total 11 prosecution witnesses, out of them, only one prosecution witness has been examined. It is also the contention of the petitioner that, although, earlier FIR No.34 dated 04.06.2012 was registered under Section 382 IPC at Police Station Sangrur, but she has already been acquitted by

the learned trial Court.

The above factual position is duly acknowledged by learned State counsel, on instructions from police official present in Court to assist him.

There is no other criminal case pending against the petitioner and nothing is to be recovered from her as the investigation is already over. Thus, taking into consideration the fact that petitioner is a female and is in custody for the last more than eight months, her further incarceration will not serve any useful purpose.

As a result thereof, this petition is allowed. Petitioner is ordered to be released on bail, in this case, on her furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

However, it is clarified that petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments. It is also clarified that in case, she is found to be indulged in any other criminal case, prosecution would be at liberty to move an appropriate application for recalling of this order.

(MAHABIR SINGH SINDHU)
JUDGE

July 04, 2019

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Whether speaking/ reasoned: **Yes**

Whether Reportable: **Yes**