

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

101+203

CRM-M-45382 of 2019 (O&M)

Date of decision:5.12.2019

Sukhwinder Kaur @ Sukhi

... Petitioner

versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: None for the petitioner
Mr.B.S.Sewak, Addl.AG, Punjab
...

AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR no.127 dated 14.10.2014 having been registered against her and other persons at Police Station Dialpura, District Bathinda, alleging therein the commission of offences punishable under Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956.

On the last date of hearing, the petitioner had been admitted to interim bail on learned counsel submitting that all her co-accused had been acquitted in the trial but that she had not appeared initially because some other FIR had been registered against her and subsequently with them having been acquitted, she “presumed” that she too had been acquitted.

Though that would hardly be a valid excuse for her not having appeared before the trial Court and in fact having been declared to be a proclaimed offender, but today CRM-37970 of 2019 has also been filed, seeking to place on record the judgment by which co-accused of the

petitioner had been acquitted.

It is seen from that judgment of the learned JMIC, Phul, dated 10.12.2018, that eventually all the accused, including the person with whose case her case can be considered on parity, i.e. Paramjit Kaur @ Jasvir Kaur, were acquitted on the ground that the prosecution had failed to prove its case.

That being so, though of course the petitioner has to face trial, she having absconded earlier when her co-accused were being tried, however, in the aforesaid circumstances, I see no reason to not admit her to bail.

Consequently, the petition is allowed, with the interim order dated 6.11.2019 made absolute, subject to her having surrendered before the trial Court and further subject to her continuing to appear before that Court on each and every date that she is summoned to do so, unless of course she is granted exemption by that Court itself on any particular dates.

5.12.2019
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No