

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-12649 of 2020 (O&M)
Date of decision:09.07.2020

Preeto

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vinod Bhardwaj, Advocate
for the petitioner.

Mr. Manish Bansal, Deputy Advocate General, Haryana.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

CRM No.10864 of 2020

Counsel for the applicant-petitioner undertakes to deposit the requisite Court fee within a period of two days.

In view of the undertaking of the counsel, CRM stands disposed of.

CRM-M-12649 of 2020

This is a second petition seeking regular bail on behalf of the petitioner in case FIR No.177 dated 23.09.2016 under Sections 328, 379 and 411 read with Section 34 of the Indian Penal Code, 1860, registered at

Police Station Sadar, Kaithal, District Kaithal. The first petition was withdrawn by the petitioner on 02.03.2020.

Mr.Vinod Bhardwaj, counsel for the petitioner has submitted that the petitioner was granted bail by the trial Court and she was appearing regularly before the Court. On 26.08.2019, the petitioner moved an application seeking exemption from personal appearance on medical ground, but the trial Court declined the application, cancelled her bail and forfeited the surety bonds to the State. The petitioner surrendered before the trial Court on 08.01.2020 and submitted an application for bail pending trial, which was dismissed on 21.01.2020. Her second application for bail before the trial Court was withdrawn on 05.03.2020 and the third application was dismissed on 01.05.2020 (Annexure P-2).

Counsel for the petitioner has argued that the petitioner was not named in the FIR and has been falsely implicated. According to him, the alleged offence was committed in Zirakpur, District SAS Nagar, Mohali in Punjab, whereas the FIR was registered in Karnal in Haryana. Counsel has urged that the petitioner is a 61 years old widow and has medical problems. He has referred to the ultrasound report dated 27.10.2019 (Annexure A-1) to submit that the petitioner is diagnosed have “Bulky uterus with thickened endometrium”, for which she is undergoing medical treatment.

The petition has been opposed by the counsel appearing for the State. On instructions from ASI Ram Niwas, State counsel has submitted

that the petitioner is involved in four FIRs, out of which one FIR is under the [Narcotic Drugs and Psychotropic Substances Act, 1985](#). He has further instructions to submit that out of these four FIRs, the petitioner already stands convicted in one case. Keeping in view the past conduct of the petitioner, the State counsel has expressed an apprehension that in case, the petitioner is released on bail, she will not appear before the trial Court. He further submits that the trial is already at an advanced stage and 07 out of 10 prosecution witnesses have been examined.

I have considered the rival submissions of counsel for the parties. The petitioner is a senior citizen and is undergoing medical treatment. The trial is likely to take sometime to conclude due to the prevailing situation which has arisen due to outbreak of corona virus (Covid-19). The petitioner has already spent more than 07 months in custody and no useful purpose would be served by keeping her behind bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner namely Preeto, widow of Surjeet Singh, is ordered to be released on bail on her furnishing bail bonds in the sum of ₹25,000/- with two solvent sureties of the like amount to the satisfaction of the trial Court/Duty Magistrate.

It is, however, made clear that in case the petitioner is found indulging in any criminal activity henceforth, it will be open for the State to

seek cancellation of the bail granted to her.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

July 09, 2020
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No