

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

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CRM-M No. 25374 of 2020

DATE OF DECISION : 9th SEPTEMBER, 2020

Gurwinder Kaur

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present: Mr. Karanjeet Singh Brar, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.7 dated 08.01.2015 registered under Sections 148, 149, 285, 341, 307 & 427 IPC and Sections 25 of the Arms Act 1959 at Police Station Kalanwali, District Sirsa.

It is contended by the counsel for the petitioner that the petitioner has wrongly been involved in this case. In the first instance, the petitioner was granted anticipatory bail. Thereafter the petitioner continued to appear before the trial court for about three years. However thereafter, for certain circumstances, beyond the control of the petitioner, she could not appear before the trial court and she was declared proclaimed offender. The petitioner had challenged that order before this court and this court had granted protection to the petitioner against her arrest till she surrenders before the court. Pursuant to the said order the

petitioner did appear before the trial court. However, the trial court has rejected the application filed by the petitioner for regular bail; on the ground that earlier the petitioner had absented from the trial court and that there are two more criminal cases against her. It is submitted by the counsel that the petitioner is already on bail in one of those cases and she has been found to be innocent in the other case. It is further submitted that there is no gun shot injury caused to anybody in this incident. The petitioner is not required for any investigation purposes. Hence, the petitioner deserves to be released on bail.

Notice of motion.

Mr. Arun Beniwal, DAG, Haryana, accepts notice on behalf of the State.

The learned counsel for the State, being instructed by ASI Raj Kumar, has submitted that there are specific allegations against the petitioner. Earlier she had absented from the court despite having been granted anticipatory bail by the Court. Hence, the petitioner should not be released on bail. However, it is not disputed that there is no gun shot injury involved in this case and that the petitioner had surrendered before the trial court as per the directions passed by this court earlier.

In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to her furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

9th SEPTEMBER, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No