

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-29361-2020

Date of decision: 30.09.2020

Sarabjit Kaur

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Lalit Singla, Advocate for the petitioner.

Mr. H.S. Sitta, Assistant AG, Punjab.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioner-Sarabjit Kaur, stated to be aged 35 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.209 dated 25.08.2018, registered under Sections 420/120-B of Indian Penal Code, at Police Station Civil Lines, Bathinda (Annexure P-1).

Learned counsel for the petitioner, at the outset, submits that the petitioner got married to Amandeep Singh (co-accused) in the year 2000. Learned counsel then submits that the petitioner learnt in the year 2016-17 that her husband has started work of immigration. Since the petitioner apprehended that there would be complaints by the persons involved, she requested her husband to either leave this work or she would take divorce. Learned counsel then refers to the petition filed under Section 13B of the

Hindu Marriage Act, 1955 (in short 'the Act'), filed by the petitioner for dissolution of marriage. The same was registered as HMA 73/26-09-2017 (Annexure P-2). Learned counsel further refers to the contents of the FIR, to submit that as per the allegations in the FIR, two cheques were deposited in account of the petitioner. Learned counsel however submits that she has been living separate from her husband in her paternal home.

On instructions from ASI Manjeet Singh, learned State counsel submits that the petitioner was arrested on 09.08.2020. He then submits that after completing investigation, challan would be presented soon. It is further submitted that one more FIR is also pending against the petitioner.

Faced with the situation, learned counsel for the petitioner submits that the petitioner is a young lady aged about 35 years and she has a child to take care. Counsel for the petitioner also submits that she had already filed a petition for dissolution of marriage under Section 13 B of the HM Act. Learned counsel further submits that he has instructions from the petitioner and her family members, to submit that in order to secure the alleged amount of Rs.5 lacs deposited in account of the petitioner, they would submit original property papers (in the name of petitioner or any of her relative), worth Rs.6 lacs, with the trial court with an undertaking that they would neither alienate the property nor create any incumbrance on the same, till decision of the trial Court.

Learned counsel for the petitioner also submits that in view of the COVID situation, detention of the petitioner in jail would be dangerous to her life and also the fact that trial is likely to take some time, the petitioner

may be granted concession of regular bail.

In view of the peculiar facts noticed above and the present situation due to COVID-19 and also the fact that trial is likely to take some time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to her furnishing bail bonds/surety bonds.

In addition to the above said bail/surety bonds, in pursuance to the offer made by counsel for the petitioner, the petitioner would deposit (within one month from the date of her release), original property papers in the name of petitioner or any of her relative (worth Rs.6 lacs) to the trial Court, which shall remain as security till further orders of the trial Court. The petitioner and her family members are also directed to give an undertaking that they would neither alienate the said property nor create any incumbrance on the same. The above said offer shall be without prejudice to the defence of the petitioner before the trial Court.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

30.09.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No