

KRISHNA VS STATE OF PUNJAB

Present : Mr. Charanpreet Singh, Advocate
for the petitioner.

Mr. I.P.S.Doabia, Addl. A.G., Punjab.

The matter has been taken up through video conferencing in the light of the pandemic Covid-19 situation and as per instructions.

CRM-29536-2020

This is an application to place on record the death certificate (Annexure A-1).

Application is allowed and document (Annexure A-1) is taken on record, subject to all just exceptions.

CRM-28666-2020

Application is allowed as prayed for.

CRM-M-38786-2020

This second petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail to the petitioner in case FIR No.93 dated 11.05.2007, registered under Sections 452, 324, 427, 148 read with Section 149 of the Indian Penal Code at Police Station Mahilpur, District Hoshiarpur.

States that the petitioner was declared a proclaimed offender on 25.05.2010. She approached this Court and was granted interim protection vide order dated 29.10.2015. The bail petition was not finalized. However, she did not appear before the learned trial Court for three consecutive dates. Accordingly, the order was recalled. Learned counsel states that she had proceeded to Italy to look after her ailing husband. The husband of the petitioner continuously remained seriously sick and ultimately died on

29.12.2019 as is made out from Annexure A-1. Therefore, she could not appear, otherwise, she is a law abiding citizen. Co-accused stands acquitted. He further states that a compromise had been reached between the parties. Under the *bonafide* impression and on account of death of her husband, she could neither come to India nor anybody communicated to her of the proceeding before the learned trial Court. Now she has come to perform the rituals after the death of her husband.

Considering the antecedents and conduct of the petitioner, the Court is always hesitant to grant any relief to such accused. As of date, the petitioner stands declared proclaimed offender and therefore, she cannot be granted the concession of anticipatory bail. However, keeping in view the factum of death of her husband, which is duly acknowledged by learned State counsel, the Court is inclined to grant transit bail to the petitioner in the peculiar circumstances, purely on humanitarian grounds.

Learned counsel for the petitioner undertakes that during the period of bail, she will appear before the trial Court and submit herself to the process of law.

In the circumstances, on her arrival in India, the petitioner will appear before the learned trial Court/Duty Magistrate, within three days thereof for suffering the trial and on her doing so, the learned trial Court/Duty Magistrate concerned will admit her to interim bail for three weeks on her furnishing indemnity bonds with two local sureties in the like amount to its satisfaction. The date and time of surrender to be noticed by the releasing Court.

The petitioner is further directed to surrender her passport before the concerned Court and will not leave the country without prior

permission of the learned trial Court. In the meantime, the petitioner is at liberty to avail legal remedies available to her under law during the period of interim bail.

The petition stands disposed of accordingly.

(JITENDRA CHAUHAN)
JUDGE

16.12.2020

jyoti-II