

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

**CRM-M No.36874 of 2019 (O&M)
Date of decision : November 11, 2020**

Simranjit Kaur @ Simarpal Kaur @ Simar Petitioner

Versus

State of Punjab Respondent

(IN VIRTUAL COURT)

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Siddharth Gupta, Advocate for the petitioner.

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.212 dated 03.11.2018 registered under Sections 388, 389, 419, 420, 507, 181, 328, 384, 506 and 120-B , at Police Station City Sunam, District Sangrur.

It is submitted by the learned counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner has not indulged in the crime, as alleged against her. Still further, it is submitted that, in any case, the petitioner is in custody since 27.02.2019. There are 23 witnesses cited in the case, however, not even a single witness has been examined so far. Even the complainant has not appeared as a witness despite being repeatedly called by the trial Court. Ultimately, the trial Court had to issue bailable warrants against the complainant to appear as a witness. Despite that he has not appeared so far. It is also submitted that there is no

other case against the petitioner. The petitioner is not required for any investigation purposes. Hence, the petitioner deserves to be released on bail pending trial.

Notice of motion.

Mr. Randhir Singh Thind, DAG, Punjab accepts notice on behalf of the State and Mr. Manoj Kumar, Advocate puts in appearance on behalf of the complainant.

It is submitted by the learned State counsel that there are specific allegations against the petitioner regarding blackmailing the complainant on the false charge of sexual harassment. However, it is not disputed that the petitioner is in custody since 27.02.2019 and that not even a single witness has been examined so far out of 23 witnesses cited in the case. It is also not disputed that there is no other case against the petitioner.

In view the above, but without commenting any further 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.

(RAJBIR SEHRAWAT)
JUDGE

November 11, 2020

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No