

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

CRM-M-3042-2021

Date of decision:-28.4.2021

Piyar Kaur @ Piyaro

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr.P.S. Sekhon, Advocate
for the petitioner.

Mr.Karan Garg, AAG, Haryana.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Piyar Kaur @ Piyaro, aged about 56 years, resident of Kheri Gillan, Chhano, Tehsil Bhawanigarh, District Sangrur, an accused in FIR No.175 dated 5.4.2019, under Section 379-A and 177 IPC, registered with Police Station City, Fatehabad.

Briefly stated, the facts of the case as per the prosecution story are that on 5.4.2019 complainant Balkaran Singh along with his wife Smt.Chhinderpal and children had gone to Gurudwara Jhad Sahab, Ratia

Road, Fatehabad on the occasion of Amavasya for paying obeisance; when they left the Gurudwara Sahib after paying respects at about 3:30 p.m., then Chhinderpal was encircled by 3-4 women and they snatched gold chain weighing about 10 gms. from her; Chhinderpal raised an alarm on which her husband the complainant apprehended one woman, whereas remaining women succeeded in running away; the complainant reported the matter to the police and handed over the woman apprehended by him on the spot, who disclosed her identity as Kailo wife of Preeta, resident of Kheri, Police Station Pasiyana, District Patiala; her personal search was conducted and a gold chain snatched from Chhinderpal besides currency notes of Rs.240/- were recovered from her. The FIR in the matter was registered. The investigation in the case was started. Remaining accused were arrested in this case. Petitioner Piyar Kaur @ Piyaro, who was in custody in some other case, her presence was procured by getting production warrants issued and she was joined in the investigation. She was interrogated, during the course of which she admitted her involvement in the present case. She had approached the Court of Sessions at Fatehabad seeking regular bail by moving application, which was assigned to learned Additional Sessions Judge, Fatehabad but was unsuccessful inasmuch as her application was dismissed by learned Additional Sessions Judge, Fatehabad on 7.1.2021. As such, the petitioner/accused has approached this Court by way of filing the present petition craving for the similar relief.

Notice of the petition was given to State of Haryana, which has appeared through counsel.

I have heard learned counsel for the parties besides going

through the records.

Learned counsel for the petitioner has contended that the petitioner is a woman, aged about 56 years; she is not named in the FIR and no recovery had been effected from her; she is in custody in this case for about five months; all the co-accused of the present petitioner have been granted bail and she be also granted the concession of regular bail.

Learned State counsel has contended that petitioner is involved in several other criminal cases as per details below:

1. FIR No.91 dated 18.8.2013, under Section 21 of NDPS Act, Police Station Bhawanigarh, District Sangrur.
2. FIR No.40 dated 2.4.2016, under Section 379-B and 411 IPC, Police Station Dirba, District Sangrur.
3. FIR No.52 dated 9.5.2010, under Sections 382, 34 IPC, Police Station Bawarna, District Kangra (HP).
4. FIR No.228 of 2020, under Sections 379-A, 34 IPC, Police Station Garhi, District Jind.

Therefore, the petitioner does not deserve the concession of regular bail.

Learned counsel for the petitioner has pointed out that though she has been convicted in one criminal case but has earned acquittal in another case, whereas one FIR was cancelled and regarding the fourth case, the petitioner is on bail and is facing trial. He has also pointed out that in para No.5 of the written reply filed on behalf of the State, it is mentioned that out of total five accused persons, accused Kuldeep Singh @ Amrik Singh was granted pre-arrest bail on 15.10.2019, whereas

Baggu Singh and Tej Kaur @ Tejo were allowed regular bail on 21.7.2020 and 17.12.2020, respectively and Karnail Kaur @ Kailo had been granted regular bail by Additional Sessions Judge, Fatehabad on 14.6.2019.

Thus considering the facts and circumstances of the case including the fact that the trial of the case is at preliminary stage and its conclusion is likely to take some time, more so when proceedings in the Courts have been adversely effected on account of Covid-19, I find that the present petition deserves to be accepted.

Accordingly, the petition stands allowed. The petitioner is ordered to be released on bail during the pendency of the trial, subject to her furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Fatehabad on following conditions:

- (i) she shall appear in the Court on each and every date of hearing;
- (ii) she shall not give any threat or intimidation to the prosecution witnesses;
- (iii) she shall not indulge in any criminal activity;
- (iv) she shall join the investigation as and when directed by the Investigating Officer;
- (v) she shall not leave India without prior permission of the Court; and
- (vi) she shall got her presence marked in the local police station on every Saturday of the week between 11:00 a.m. to 2:00 p.m. so that an eye can be kept on her movements and she is deterred from indulging in any criminal activity.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to her, the prosecution would be entitled

to apply for cancellation of bail.

It may be mentioned here that nothing discussed hereinabove shall have any bearing on the merits of the case.

28.4.2021
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No