

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

CRM-M-9022-2021 (O&M)

Date of decision : 03.03.2021

Balbir Kaur

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Narinder S. Lucky, Advocate for the petitioner.

Mr. Gaurav Gulzar Singh Chauhan, AAG, Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.382 dated 03.10.2020 under Sections 406, 420 of the Indian Penal Code, 1860 (Sections 149, 370, 467, 468, 471, 120-B of IPC, Section 12 of the Passport Act, 1967 and Section 25 of the Emigration Act, 1983 were added later on), registered at Police Station Pundri, District Kaithal.

Learned counsel for the petitioner would contend that in a virtually identical case i.e. FIR No.255 dated 19.06.2018 registered at Police Station Baldev Nagar, Ambala the petitioner has been granted bail by the Court of Additional Sessions Judge, Ambala. He would further contend that after the first petition was withdrawn by the petitioner, similarly situated co-accused has since been granted bail by this Court vide order dated

12.02.2021 in CRM-M No.43862 of 2020. Learned counsel for the petitioner has contended that the present petitioner was not named in the FIR and further that she has falsely been implicated in the case. The learned counsel has further contended that when the petitioner travelled, she was holding a valid Visa and was not aware that the student accompanying her was holding a fake Visa. The petitioner has been in custody since 15.10.2020 and the challan stands presented in the present case.

Notice of motion.

On the asking of the Court, Mr. Gaurav Gulzar Singh Chauhan, AAG, Haryana accepts notices on behalf of the State and he is not in a position to deny the fact that in a virtually identical case, the petitioner has been granted bail by the Court of Additional Sessions Judge, Ambala. He is also not in a position to deny that the similarly situated co-accused has been granted bail by this Court vide order dated 12.02.2021 in CRM-M No.43862 of 2020.

Heard learned counsel for the parties.

In view of the above and keeping in view the facts that the petitioner has been in custody since 15.10.2020 and the challan stands presented and also the fact that similarly situated co-accused has already been granted bail by this Court vide order dated 12.02.2021 in CRM-M No.43862 of 2020, no useful purpose would be served by keeping the petitioner in detention for an indefinite period. Without commenting upon the merits of the case, I deem this to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail

subject to her furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

03.03.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO