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

CRM-M-31825-2021

Date of decision : 12.08.2021

Sarabjit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Jasneet Mehra, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is the first petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in FIR No.95 dated 04.06.2021 registered under Sections 379-B, 34 of the Indian Penal Code, 1860 at Police Station Kotwali Bathinda, District Bathinda.

Learned counsel for the petitioner has vehemently submitted that the petitioner was not named in the FIR and that she has been falsely implicated in the case on the basis of statement of co-accused namely Ram Kumar. She has further submitted that the recovery of alleged jewellery article has already been effected. For the same, learned counsel has referred to paragraph 4 of the order dated 07.07.2021 (Annexure P-2) passed by the learned Additional Sessions Judge, Bathinda while rejecting the bail application of the petitioner. It is further submitted that the petitioner is a lady and she has been in custody since 10.06.2021 and is not involved in any other case. It is further submitted by the learned counsel for the

petitioner that there are 17 witnesses and the trial has not yet started and the case is only at the initial stage and is fixed for framing of the charge on 16.08.2021.

On advance notice, Mr. Saurav Khurana, DAG, Punjab, appears and as per the instructions from ASI Gurmukh Singh, he has submitted that although in the present case, serious offence has been committed, however, he could not deny the facts that the recovery has been effected, the challan has been presented and petitioner is not involved in any other case. Today, he has also filed custody certificate of the petitioner. The same is taken on record. As per which, the petitioner has undergone actual sentence of 02 months and 01 days.

Without commenting on the merits of the case and keeping in view the abovesaid facts and circumstances, moreso that in the present case, challan has been presented, jewellery in question has already been recovered and that the petitioner is not involved in any other case and the trial of the case is likely to take a long time, this Court deems it appropriate to allow the present petition and order for release of the present petitioner.

Hence, the petitioner is directed to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, the present petition is allowed.

12.08.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No