

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

CRM-M No.28216 of 2021 (O&M)

Date of Decision:-01.09.2021

Daljit Kaur

.....Petitioner.

Versus

State of Punjab

.....Respondent.

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Manuj Nagrath, Advocate
for the petitioner.

Ms. Samina Dhir, Deputy Advocate General, Punjab.

MEENAKSHI I. MEHTA, J.

By way of the instant petition, the petitioner above-named has sought the relief of regular bail in the criminal case pertaining to the FIR bearing No.165 dated 04.08.2019 registered at Police Station City Jagraon, District Ludhiana, under Sections 302, 34, 120-B IPC.

It is pertinent to mention here that the petitioner moved **CRM No.1302 of 2021** for seeking the relief of interim bail for a period of 3 months for undergoing the surgery for the removal of her uterus due to fibroids and vide order dated 10.02.2021 passed by the Co-ordinate Bench therein, she was granted interim bail for a period of two (02) months from the date of her furnishing the requisite bonds and was directed to surrender in the jail on the expiry of the said period.

Thereafter, the petitioner moved **CRM No.12994 of 2021** for seeking the extension of interim bail, as already granted to her, for further period of two months, while submitting that due to the outbreak of COVID-19, the surgery could not be performed on her. In the order dated 17.05.2021, as passed by the Co-ordinate Bench on the said application, it has been mentioned that learned counsel for the applicant-petitioner submitted that the petitioner had been asked to surrender in the jail on 02.07.2021 in view of the order passed in **CWP-PIL-77 of 2021** and the petitioner could undergo surgery in the meanwhile and if any need arose, then she could move an appropriate application and with these observations, the said application had been dismissed for having not been pressed.

Today, learned State counsel, on the instructions from ASI Baljinder Kumar of Police Station Jagraon, District Ludhiana, apprises the Court that the petitioner has not surrendered in the jail till date.

Though, learned counsel for the petitioner tries to explain that the petitioner has not done so with a view to await the decision in the afore-said CWP-PIL which is scheduled to be listed on 15.09.2021 but however, this explanation is not plausible at all because mere pendency of the said CWP cannot be construed to be a valid and justified ground for overstaying the period of interim bail specially in the circumstances when it has been categorically observed in the said order dated 17.05.2021 that in case of necessity, she could move an appropriate application for extension of the said relief.

In view of the afore-discussed facts and circumstances, it is explicit that the petitioner is no more behind the bars and it being so, the cause of action does not survive in her favour any more to pursue the present petition further and the same does not remain maintainable any more.

Resultantly, the present petition stands dismissed accordingly.

September 01, 2021
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*