

CRM-M-35817-2021

Date of Decision: 29.09.2021.

Randeep Kaur

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Navjinder S. Sidhu, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

Mr. K.S. Brar, Advocate for the complainant.

B.S. Walia, J. (Oral)

1. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner during pendency of trial in case FIR No. 101, dated 20.07.2017 registered under Sections 420,406 IPC, at Police Station Jaito, District Faridkot to which Sections 467, 468, 471 IPC were added later on.
2. Learned counsel contends that the petitioner has been implicated in a false case solely to put pressure on the co accused i.e. petitioner's husband, there is no allegation in the FIR against the petitioner nor is there any mention therein of any assurance having been held out by the petitioner to the complainant or of any amount having been paid by the complainant to the petitioner, the alleged commission of offence pertains to the year 2015 while FIR was registered on 20.07.2017, challan has been presented and charges have also been framed and although there are nineteen prosecution witnesses, none have been examined, the petitioner has two daughters of marriageable age and there is no person in the family to look

after them, besides investigation is complete, trial would take considerable period of time to conclude, therefore, no useful purpose would be served by keeping the petitioner behind bars.

3. Learned Senior Deputy General contends that the petitioner was declared proclaimed offender in the instant case and was arrested on 19.06.2021 and that as per custody certificate, the petitioner is in custody since 23.06.2021 and as on 28.09.2021 has been in custody for three months and 5 days as an undertrial.

4. Learned counsel for the respondent-complainant contends that prior to the registration of the FIR, the complainant made a statement to the police on 28.06.2017 that he had handed over Rs. 2 lacs to the petitioner's husband at Kotkapura bus stand on 15.01.2016 and the petitioner's husband had handed over said money to the petitioner who was sitting in a car.

5. Learned counsel for the petitioner on the other hand contends that the FIR was registered in full knowledge of the entire sequence of events and the absence of any allegation qua the petitioner in the same goes to show that the statement was merely to put pressure on the main accused Sukhdeep Singh Brar and in any case even the perusal of the statement does not reveal complicity of the petitioner in the commission of the offence besides, the petitioner was arrested on 19.06.2021 and has been custody ever since.

6. I have considered the submissions of learned counsel for the parties.

7. Admittedly, there is no allegation in the FIR qua the complicity of the petitioner in the commission of the offence nor is any overt act

attributed to the petitioner. No doubt statement was made by the complainant on 28.06.2017 but the same is only with regard to the amount of Rs. 2 lacs having been handed over by the complainant to the petitioner's husband at the bus stand on 15.01.2016 and of the said money having thereafter been handed over by the petitioner's husband to the petitioner who was sitting in a car. In the circumstances, complicity of the petitioner is subject to adjudication in trial, challan has been presented, petitioner has been in custody since 19.06.2021, has two daughters of marriageable age, there are nineteen prosecution witnesses and although charges have been framed, none of the prosecution witnesses has been examined, besides, trial is likely to take a considerable period of time.

8. Accordingly, in the light of position noted above but without commenting on the merits of the case, the petition for regular bail is allowed and the petitioner ordered to be released on regular bail during the pendency of the trial subject to her furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court / Chief Judicial Magistrate / Illaqa Magistrate, provided she is not required in any other case. The petitioner shall abide by the conditions contained in Section 437(3) Cr.P.C. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

9. Petition allowed in the aforementioned terms.

(B.S. Walia)
Judge

29.09.2021

'rajesh-seema'

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No