

217.

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

CRM-M-40157-2021

Date of Decision: 30.09.2021

GULABO DEVI @ GULAB DEVI

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Shivoy Dhir, Advocate,
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR.J (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.115, dated 24.06.2020, registered under Sections 363, 366-A, 376, 120-B of IPC and Section 8 of the POCSO Act, at Police Station Focal Point, Ludhiana.

Learned counsel for the petitioner would contend that in fact the son of the petitioner, namely, Suraj ran away with the daughter of the complainant, namely, Seeta Kumari on 18.06.2020 and solemnized marriage on 19.06.2020. They sought protection from the Sessions Court. The petitioner has also filed a petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of habeas corpus for the release of her daughter who has been kept in Gandhi Vanita Ashram, Jalandhar. It is

argued that the matter already stands investigated and challan has been presented on 02.08.2021 and, therefore, the petitioner herein would not be in a position to influence the investigation.

Learned counsel appearing on behalf of respondent-State is not in a position to dispute the fact that the challan (Annexure P-3) has been presented on 02.08.2021.

I have heard learned counsel for the parties.

In view of the fact that the petitioner is in custody since 28.04.2021 and the matter stands investigated and challan presented, no useful purpose would be served in keeping the petitioner behind the bars any longer.

Accordingly, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression of opinion on merits of the case.

(JAISHREE THAKUR)
JUDGE

30.09.2021
sanjeev

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