

207

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-37959-2020
Date of Decision: 08.01.2021

Jasbir Kaur @ Jassi

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Prashant Vashisth, Advocate,
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

SUDIP AHLUWALIA, J. (ORAL)

This is a petition filed under Section 439 of the Code of Criminal Procedure by the petitioner, seeking regular bail in case FIR No.196 dated 10.10.2013, under Sections 370(2)/343 of the IPC, registered at Police Station Siwani, Bhiwani.

2. The FIR was drawn up in the year 2013, after the victim had called up the Local Police Control Room to inform that she had been illegally sold by the petitioner, who happens to be her Maternal Aunt (*Massi*) to one Suraj Bhan for ₹1,25,000/-, and that she was being illegally confined in the

house of said Suraj Bhan. The Police, thereafter, conducted a raid and rescued the victim on 10.10.2013. Subsequently, co-accused Suraj Bhan was acquitted in the Ld. Trial Court ostensibly because presence of the complainant/prosecutrix could not be secured before the said Court. The petitioner had, however, been declared a Proclaimed Offender/person by that time.

3. In the year 2014, the petitioner filed a petition, bearing CRM-M-42555-2014, seeking anticipatory bail in the present FIR, which was dismissed by a Co-ordinate Bench of this Court on 19.12.2014, after taking note of the fact that she was a Proclaimed Offender/person. She was subsequently arrested from Ludhiana on 28.08.2019 and has remained in detention ever since.

4. There does not appear to have been any tangible progress in the trial. Ld. State Counsel submits that only one witness, out of the total ten witnesses cited by the prosecution side, could be examined so far , after which the trial got held up due to the on set of Covid-19 pandemic, which still continues.

5. The next date fixed before the Ld. Court below for examination of the remaining prosecution witnesses happens to be 02.02.2021.

6. For the aforesaid reasons, without commenting any further on the merits of the present case as a whole and in view of the long detention undergone by the petitioner, who is a woman and has remained in prison for more than a period of one year and four months by now, as also the fact that the trial is likely to take its own substantial time, particularly on account of the ongoing Covid-19 pandemic, her further detention for an indefinite period of time is not likely to serve any useful purpose, therefore, her prayer for grant of

regular bail is allowed and she is ordered to be released on bail to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned, who may in his discretion impose appropriate stringent condition(s) in view of the long absconsion of the petitioner in the past, and also the fact that she, otherwise, does not happen to be a resident of the State of Haryana.

7. Disposed off.

08.01.2021

Apurva

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No