

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-46141 of 2021
Date of Decision : 15.11.2021

Jaswant Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Buta Singh Bairagi, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.052 dated 14.05.2020 registered under Sections 384, 385, 120-B of the Indian Penal Code, 1860, Sections 7 and 13 of Prevention of Corruption Act, 1988 and Sections 3, 4 and 5 of the Immoral Traffic Prevention Act, 1956 at Police Station Nihal Singh Wala, Moga, District Moga.

Learned counsel for the petitioner submits that though, the allegations have been made against the petitioner in the FIR but now during the trial, the complainant has not supported the said allegations and he has been declared hostile. Learned counsel for the petitioner further submits that even the co-accused namely ASI Chamkaur Singh has been granted the benefit of regular bail by this Court while passing order in CRM-M-45547-

2021 dated 08.11.2021 as well as to co-accused Seema Rani on the same

grounds hence, keeping in view the facts and circumstances, which exist as of now, no useful purpose will be served in keeping the petitioner behind the bars as the allegations alleged in the FIR are yet to be proved during the trial.

Learned State counsel concedes that co-accused namely Chamkaur Singh has already been extended the benefit of regular bail by this Court and also that the complainant Subhash Chander has not supported the prosecution in his testimony.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The guilt or innocence of the petitioner is to be proved on the basis of the evidence, which will come on record during the trial. The question in the present petition is as to whether, any justifiable purpose will be achieved in keeping the petitioner behind the bars in view of the facts and circumstances which exist as of now. Once, the co-accuseds namely ASI Chamkaur Singh as well as Seema Rani have already been extended the benefit of regular bail and the complainant has also not supported the prosecution version and the trial is likely to take some time before it concludes, no useful purpose will be achieved in keeping the petitioner behind the bars especially, when learned counsel for the petitioner undertakes that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

In view of the above without commenting upon the merits of

the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

November 15, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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