

CRM-M-46593-2021

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

(213)

CRM-M-46593-2021.
Date of Decision:-11.11.2021.

Karamjit Kaur alias Malkiat Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Gautam Kumar, Advocate for the petitioner.

Mr. A.K. Kaundal, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is the first petition under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case of FIR No.118 dated 18.07.2021 under Sections 379-B, 34 IPC, registered at Police Station Dehlon, District Ludhiana.

Learned counsel for the petitioner has argued that the petitioner is a 60 year old lady and has been falsely implicated in the present case. It has been submitted that as per the prosecution version, 5 - 6 ladies had come inside the Gurudwara Sahib, out of which one of them had pushed the wife of the complainant and snatched her gold chain. It has been argued that it has not been specifically mentioned as to which of the said ladies had snatched the gold chain but as per the challan, the recovery

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of the chain is from one Lachhmi Kaur. It is further submitted that the petitioner has been in custody since 18.07.2021 and the challan has been filed and there are 10 prosecution witnesses and the trial is likely to take time, as none of these witnesses have been examined as yet. It is further submitted that the co-accused of the petitioner i.e., Surjeet Kaur, has already been granted the benefit of regular bail by this Court vide order dated 13.09.2021 passed in CRM-M-36463-2021 and the case of the petitioner is on a better footing than the case of Surjeet Kaur as the present petitioner does not have any other case against her nor any recovery has been effected from her.

Learned State counsel, on the other hand, has opposed the bail application and has submitted that as per his instructions, there is no other case against the petitioner in the State of Punjab. The other factual aspects have, however, not been disputed by the learned State counsel.

This Court has heard the learned counsel for the parties.

Keeping in view the above-said facts and circumstances, moreso, the fact that the person who had snatched the gold chain out of the 5 -6 ladies has not been specifically named and also the fact that the recovery of the gold chain is from co-accused Lachhmi Kaur and also the fact that the petitioner is an old lady of 60 years of age and has been in custody since 18.07.2021 and the challan has already been presented and there are 10 prosecution witnesses and since none of them have been examined, thus, the trial is likely to take long and the petitioner is not involved in any other case and the co-accused of the petitioner i.e, Surjeet Kaur, has already been granted the concession of regular bail by this Court

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vide order dated 30.09.2021 passed in CRM-M-36463-2021 and the case of the present petitioner is on a better footing than the case of Surjeet Kaur, this Court deems it appropriate to allow the present petition and grant bail to the petitioner.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to her not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

November 11, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No