

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-M-50329-2021
Decided on 07.12.2021

Kulwant Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Tribhawan Singla, Advocate
for the petitioner.

Mr. H.S. Sitta, Asst. AG, Punjab.

Mr. Barjinder Singh, Advocate for the complainant.

ANOOP CHITKARA, J.

The petitioner, apprehending arrest in FIR No.0257 dated 13.11.2021, registered under Sections 406 & 420 IPC at Police Station City Rajpura, District Patiala, came up before this Court under Section 438 Cr.P.C., seeking anticipatory bail.

2. Vide order dated 02.12.2021, this Court had granted interim anticipatory bail to the petitioner.

3. Learned counsel for the petitioner submits that in compliance of the previous order dated 02.12.2021, the petitioner has joined the investigation.

4. The above said fact has not been disputed by the learned State counsel on instructions received from SI Ramesh Kumar. However, learned State counsel has opposed the bail and submits that in case this Court is inclined to give the bail to the petitioner then it should be subject to stringent conditions.

5. Learned counsel for the complainant opposes the bail on the ground that the petitioner is a habitual offender.

6. Given the nature of allegations, no pre-trial incarceration is required. Without commenting on the case's merits and the circumstances peculiar to this case, the petitioner is being afforded an opportunity to course correct. Further being a woman, she is entitled to the leniency envisioned under Cr.P.C. However, it is clarified that in case, the petitioner indulges in similar kind of activities or repeats the offence, it shall be open for the complainant as well as for the State to file an application for cancellation of bail. It is also made clear that in case, the petitioner repeats the offence, then while considering the bail application in future, the Court will consider this observation that the petitioner was put to a warning to not repeat these offences again and again.

7. Given above, the present petition is allowed. The order dated 02.12.2021 is hereby made absolute.

(ANOOP CHITKARA)
JUDGE

07.12. 2021
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No