

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

CRM-M-32209-2022

Date of Decision: 07.09.2022

Dhan Devi alias Khushboo

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ankur Bali, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 177 dated 29.05.2022, registered under Sections 380, 454 IPC {Sections 120-B & 381 IPC added at the time of presentation of Final Report under Section 173(2) Cr.P.C} at Police Station Sector 50, Gurugram.

Learned counsel for the petitioner submits that the petitioner is a poor lady, aged about 25 years and has been falsely implicated in the present case at the instance of the complainant. Learned counsel further submits that as per the allegations recorded in the FIR, the petitioner was apprehended while she was committing theft of money from the house of the complainant, where she was earlier working as a house maid. Learned counsel further submits that the petitioner was arrested on 29.05.2022 and recovery has already been effected in this case and after completion of investigation, the police has presented the challan against all the accused

including the petitioner and it will take considerable time for the trial to terminate. He further submits that the offences are triable by the Judicial Magistrate, 1st Class and as such, no purpose is going to be served by keeping the petitioner in custody for any longer period.

Learned State counsel, on instructions from ASI Dalbir Singh, submits that the petitioner was apprehended red handed while she was stealing money and valuable articles from the house of the complainant. However, the State counsel has not refuted the fact that the recovery of stolen articles has already been effected and on completion of investigation, the police has presented the challan and now the trial is going on in the Court of Judicial Magistrate, 1st Class, Gurugram.

I have heard the learned counsel for the parties.

In view of the above, as the recovery has already been effected and the trial has commenced, but it will take considerable time for the trial to terminate, no useful purpose is going to be served by detaining the petitioner in custody for any longer period.

Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

07.09.2022
monika

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No