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

CRM-M-37037-2022

Date of Decision: 10.10.2022

Nisha Sabharwal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Naveen Bawa, Advocate,
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. Naveen Sharma, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.68 dated 25.03.2022, under Sections 307, 427, 452, 506, 148 & 149 IPC, registered at Police Station Haibowal, District Ludhiana.

It has been submitted by learned counsel for the petitioner that the petitioner is a lady aged 34 years and the allegations in the FIR were pertaining to dispute with regard to repairing of the manhole between the neighbours and cross fight had taken place in two groups in which the petitioner has been falsely implicated. He further submitted that the petitioner is a resident of the area and it was only because of groupism that her name has been stated so in the FIR but there is no specific role attributed

to the petitioner in the FIR itself nor there is any injury attributable to the petitioner. He also submitted that the petitioner is in custody since 12.05.2022 and after completion of the investigation, the police has already filed the challan before the competent Court and thereafter, now the charges have also been framed. He also submitted that the petitioner is not a habitual offender and is not involved in any other case. He further submitted that no recovery is to be effected from the petitioner and has, therefore, prayed that in view of the aforesaid facts and circumstances, she may be considered for the grant of regular bail.

On the other hand, Mr. Kunal Vinayak, learned AAG, Punjab has stated that it is correct that the petitioner is in custody since 12.05.2022 and the investigation of the case has been completed and thereafter, challan has also been presented before the competent Court. He further submitted that it is also correct that the petitioner is not involved in any other case and has got clean antecedents.

I have heard the learned counsel for the parties.

The petitioner, who is a lady aged 34 years, is in custody since 12.05.2022, which is almost 5 months. The investigation of the case has already been completed and thereafter, the challan has been presented and now the charges have also been framed. The petitioner is not a habitual offender and is not involved in any other case and no recovery is to be effected from her. Furthermore, it is not the case of the learned State Counsel that in case the petitioner is released on bail then she may abscond or flee from justice or may influence any witness. Therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and

proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

10.10.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |