

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

206

CRM-M-41575-2022

Date of Decision: 07.12.2022

Abem Devi

..... Petitioner

Versus

U.T.Chandigarh

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Ms. Manjot Kaur, Advocate for
Mr. Harinder Singh Mann, Advocate
for the petitioner.

Ms. Vasundhara Dalal Anand, APP for U.,T.Chjandigarh.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 439 of Code of Criminal Code, 1973, the petitioner is seeking bail in FIR No.127 dated 05.09.2019 registered at Police Station Sarangpur, Chandigarh, under Sections 420, 120B, 511 of IPC (Sections 370, 467, 468 and 471 of IPC and Section 19 of Transplantation of Human Organs Act, 1994 added later on).

Learned counsel for the petitioner submits that as per custody certificate, the petitioner is in custody for last more than 03 years and 03 months. The petitioner is not involved in any other case. The challan has already been presented and charges have already been framed. The petitioner is mother of a minor girl child.

The trial is not likely to be concluded in the near future especially when two co-accused are proclaimed offender. The maximum sentence prescribed under Section 19 of the Transplantation of Human Organs Act, 1994 is 10 years. As per FIR, there was preparation on the part of the petitioner and co-accused to commit the alleged offence, however, offence was not actually committed.

Learned State counsel submits that the petitioner is involved in a serious offence and she does not deserve any leniency. The petitioner was one of the conspirator. Had authorities not acted at appropriate time, the petitioner would have committed the alleged offence.

Keeping in mind :

- (i) The petitioner is a lady and a mother of a girl child;
- (ii) The petitioner is not having any criminal antecedents;
- (iii) The petitioner is in custody for last more than 03 years and 03 months ;
- (iv) Challan has already been presented and charges have already been framed and the conclusion of trial would take considerable time;

this court is of the opinion that the present petition deserves to be allowed and accordingly allowed. The petitioner is directed to be released on bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

If the petitioner or her family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

(JAGMOHAN BANSAL)
JUDGE

07.12.2022
anju

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>