

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-45706-2022

Date of Decision: 12.10.2022

Sunita

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Kushagra Mahajan, Advocate for the petitioner

Mr. Shubham Kaushik, AAG Punjab

Sandeep Moudgil, J. (Oral)

This is a petition under Section 439 Cr.P.C. filed by the petitioner seeking regular bail in case FIR No.107 dated 27.03.2022 under Sections 379-B(2), 34 IPC registered at Police Station A-Division, District Amritsar.

The FIR in this case was registered against two unknown accused on the statement of one Rajinder Singh, who levelled the allegations that he is a Taxi driver. On 27.3.2022 at about 2.00 A.M.(midnight) he had carried passengers to Sri Darbar Sahib and thereafter parked his vehicle near Baba Phoola Singh Gurdwara. For getting some eatables he was going on foot towards Chowk. At the chowk a lady accompanied by one male person, in an inebriated condition without any reason started quarreling with him and even grappled with him. Thereafter they forcibly took out his purse from the pocket of his Capry. The male person thereafter attacked on his head with some iron like thing. Thereafter he raised alarm and assailants fled towards Shaheedan Sahib Gurdwara. His purse was containing Rs.15,000/- approximately. He can identify the assailants. During investigation on secret

information the petitioner was apprehended on 27.3.2022 and from her possession recovery of purse, copy of aadhar card of petitioner were recovered. Thereafter other accused named Sikandar Singh was arrested and from his possession recovery of iron rod was effected.

Learned counsel for the petitioner submits that the petitioner was arrested on the basis of secret information, whereas no physical description was given by the complainant regarding identity of the petitioner except for a bald statement of a lady, which is vague description. It is further contended that neither the petitioner had caused any injury to any person nor she has snatched any valuables for the victim and as such no offence is made out against her. Even no test identification parade has been conducted by the prosecution.

Counsel for the petitioner further submits that the petitioner is in judicial custody since 27.03.2022 and the challan has been presented in the Court.

Notice of motion.

On the asking of the Court, Mr. Shubham Kaushik, AAG Punjab accepts notice and submits that the petitioner does not deserve the concession of regular bail on the ground that he along with co-accused has committed heinous crime.

Learned counsel for the petitioner at this stage, has handed over letter dated 30.09.2022 from the Medical Officer, Central Jail, Amritsar a perusal of which shows that the petitioner is an ante natal case under regular follow up from Bebe Nanki Hospital Amritsar. Her gestational age is 30

weeks 3 days and will be referred to the same hospital for further follow up as and when required.

In my considered view and looking at the gravity of the offence and seriousness of the allegations, no case for grant of regular bail to the petitioner is made out at this stage for the reason that if the petitioner is released, there are chances that she will create hindrance in the trial. As far as the plea of pregnancy is concerned, her treatment is being duly followed up by the concerned jail authorities.

Dismissed.

12.10.2022
V.Vishal

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No