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

CRM-M-52002-2021 (O&M)

Date of decision: 21.07.2022

SUKHI ALIAS SUKHO ALIAS MAYA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. S.S. Gill, Advocate
for the petitioner.

Mr. M.S. Nagra, Asst. A.G. Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 of Cr.P.C., wherethrough the present bail petitioner seeks indulgence of regular bail being accorded to her.

2. FIR No.141 of 06.06.2001, constitutes therein offences under Sections 379, 411, 356, 34 of IPC, and, is lodged at Police Station Division No.4, Jalandhar, District Jalandhar, thereins the commission of the incriminatory offences are attributed to the bail petitioner.

3. The learned State counsel on instructions, given to him by ASI Balwinder Singh submits, that the present bail petitioner has ensured the makings of all the relevant recoveries, in respect of the crime, to the investigating officer concerned, and, further submits that the investigations into the petition FIR are complete, and, also that prosecution evidence has commenced.

4. Keeping in view the above, and, also bearing in mind the further fact that, the petitioner is in judicial custody since the last 9 months, thereupon,

the above prolonged period of judicial incarceration of the present bail petitioner is not required to be prolonged any further, as, thereupon her personal liberty would become unnecessarily fettered, and, curtailed.

5. The learned State counsel opposes the grant of regular bail to the petitioner, and, submits that the indulgence of regular bail may not be accorded to the present bail petitioner, as she is a habitual offender, and, in case she becomes admitted to regular bail, thereupon, there is every likelihood of hers fleeing from justice, and, tampering with prosecution evidence, and, also hers influencing prosecution witnesses, besides hers re-indulging in criminal activities.

6. Be that as it may, the imposition of stringent conditions, is rather deemed fit and appropriate, for being imposed upon the petitioner-bail applicant, necessarily as a measure to allay, the apprehension (supra), as becomes reared by the learned State counsel.

7. Consequently, it is not necessary to prolong the judicial incarceration of the bail petitioner-applicant. The instant petition is allowed, and, the bail petitioner-applicant is ordered to be released from judicial custody. However, the granting of bail to the bail petitioner-applicant, is subject to hers furnishing personal, and, surety bonds in the sum of ₹50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to hers not tampering with prosecution evidence, and, hers not influencing prosecution witnesses, and, besides also hers appearing before the trial Court concerned, as and when directed to make hers personal appearance unless validly exempted. Further, subject to the petitioner-bail applicant making an undertaking before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, that in case, she re-indulges in criminal activities,

whereupon, on breach thereof, the order made today, shall become *ipso facto* annulled, and, upon hers being forthwith arrested by the investigating officer concerned, the latter shall produce the petitioner-bail applicant before the trial Court concerned, for the latter making an order for hers being put to judicial custody.

8. Copy dasti.

9. Pending miscellaneous application(s), if any, stand(s), disposed of.

(SURESHWAR THAKUR)
JUDGE

21.07.2022

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Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No