

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

205

CRM-M-4316-2023 (O&M)

Date of decision: 24.03.2023

NEHA

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rishab Goyal and Mr. Deepak Girotra, Advocates
for the petitioner.

Mr. H.S. Sullar, Sr. DAG Punjab.

AMAN CHAUDHARY. J.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.0322 dated 10.12.2022, under Sections 379-B and 34 of IPC, registered at Police Station Model Town, District Hoshiarpur.

Learned counsel contends that the petitioner is in custody since 10.12.2022. In the FIR, the alleged incident is stated to have taken place after the ceremony of Anandkaraj but it was lodged after a delay of more than 12 hours at 23:38 hours. She was falsely implicated in the present case on account of the fact that she was previously involved in one more FIR, after, she released on bail in that case. Charges have been framed in this case, but no PW has been examined out of the total 12 witnesses.

Learned State counsel has produced the custody certificate dated 22.03.2023, which is taken on record, as per the same the custody of the petitioner is 3 months and 9 days. He opposes the bail on the ground that there is one more

FIR against the petitioner. He is however unable to controvert the submissions regarding the stage of the trial.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 3 months and 9 days; charges have already been framed in this case; in all, there are 12 witnesses, the trial is likely to take a considerable time, her further detention behind bars would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to her furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to her not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, she is an accused, or for commission of which she is suspected of.
5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6. The petitioner shall not in any manner misuse his liberty.
7. The petitioner shall furnish her address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
8. The petitioner shall deposit her passport, if any, with the Trial Court forthwith and in case, she does not have the passport, she shall furnish a specific affidavit in this regard.

It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, this Court makes it clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

March 24, 2023

M.Kamra

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