

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-5398-2022 (O&M)
Date of decision: 08.02.2023

PARAMJIT KAUR

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Harpreet Kaur Arora, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, 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.0114 dated 18.10.2019, under Section 304 of IPC and Section 27 of NDPS Act, registered at Police Station Payal, District Khanna.

Learned counsel contends the petitioner is in custody from 07.02.2020, whereafter due to Covid, as per the instructions of the State Government, the petitioner was released on 26.08.2020 and further surrendered on 09.12.2021. In all, the custody of the petitioner is 1 year, 8 months and 21 days. 1 out of 25 prosecution witnesses has yet been examined, though charges were framed on 18.02.2020. Co-accused Davinder Singh was granted bail. She is involved in other case in which she is on bail. In this regard she relies on the judgment dated 16.01.2012 passed by Hon'ble The Supreme Court of India in Criminal Appeal No.159 of 2012 titled as *Maulana Mohd. Amir Rashadi Vs.*

State of U.P. and others, 2012(2) SCC 382.

Learned State counsel has produced the custody certificate dated 07.02.2023, which is taken on record, as per which the custody of the petitioner is 1 year 8 months and 21 days. He opposes the bail on the ground that there is one more FIR against the petitioner. However he is unable to controvert the submissions made by learned counsel for the petitioner regarding bail granted to co-accused and the stage of trial.

Heard.

Hon'ble The Supreme Court of India in the case of **Maulana Mohd.**

Amir Rashadi (*Supra*) had observed as under:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

In view of the above facts and circumstances of the case, in particular that in all, the custody of the petitioner is 1 year 8 months and 21 days; 1 out of 25 prosecution witnesses has yet been examined, though charges were framed on 18.02.2020; co-accused has been granted bail; 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 her 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 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

February 08, 2023

M.Kamra

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