

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9526 of 2023(O&M)

Date of Decision: 24.05.2023

Deepa Kumari

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Chandan Singh, Advocate
For the petitioner.

Mr. C.L. Pawar, Addl. AG Punjab.

Mr. G.S. Dhillon, Advocate
For complainant.

KARAMJIT SINGH, J.

CRM-23226 of 2023

This is an application for pre-ponment of main case (CRM-M-9526 of 2023) which is fixed for 19.07.2023.

For the reasons mentioned in the application, the same is allowed and hearing of main case is pre-poned and the same is taken up for hearing today itself.

CRM-23227 of 2023

Application is allowed, as prayed for and accompanied annexures are taken on record.

CRM-M-9526 of 2023

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 117 dated

23.10.2022, registered under Sections 381 IPC at Police Station Mullanpur, District SAS Nagar, to which offence under Sections 120-B, 465, 467, 468 and 471 IPC.

2. The allegations in nutshell are that complainant Rekha Chandra reported to the police that she had kept Rs.25,00,000/- and 15 *tolas* of gold jewellery for marriage of her daughter in her house. That Deepa Kumari was working as a maid in the house of complainant for the last so many years. The complainant found that the aforesaid cash and jewellery were missing and the complainant was of firm view that the said theft was committed by her maid Deepa Kumari in connivance with other persons. During investigation, Deepa Kumari was arrested and she disclosed that she committed the said theft along with Sonu and his wife Raj Kumari.

3. The counsel for the petitioner, *inter alia*, submits that the petitioner has been falsely implicated in the present case and is in custody since 04.10.2022 and is having no criminal history. The counsel for the petitioner further submits that after completion of investigation police has presented the challan but it will take considerable time for the trial to conclude. It is further submitted that now matter has been settled between the parties and copy of the concerned compromise deed is Annexure A-2. So, prayer is made that the petitioner be released on regular bail.

4. The present petition is resisted by the State counsel who submits that the theft in question was committed by petitioner and co-accused namely Sonu and Raj Kumari. However, the State counsel on instructions from ASI Dalwinder Singh has not disputed the fact that the petitioner is in custody for the last more than 06 months and is having no criminal history.

5. The counsel appearing on behalf of the complainant has admitted the factum of compromise and has not disputed compromise deed Annexure A-2. The counsel for complainant submits that as the matter stands compromised between the parties, the complainant is having no objection if the present petition is allowed.

6. Admittedly, the petitioner is in custody for the last more than 06 months and is having no criminal history and after completion of investigation police has presented the challan but the trial is at its initial stage. It also appears that now the parties have resolved their dispute and entered into compromise (Annexure A-2). In the given circumstances, no purpose is going to be served by detaining the petitioner in custody for any longer period.

7. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

24.05.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No