

CRM-M-17343 of 2022

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-17343 of 2022

Date of decision: 5th January, 2023

Veena

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Manoj R. Sharma, Advocate for the petitioner.
Mr. Rajesh Mehta, Addl. Advocate General, Punjab.

AVNEESH JHINGAN, J (Oral):

This is a second petition for grant of regular bail in FIR No. 98 dated 2.6.2021, under Sections 392, 342, 170, 148, 149, 412, 120-B, 450, 452, 395 and 397 IPC and Section 25 of the Arms Act registered at Police Station Dinanagar, District Gurdaspur.

Reply filed on behalf of the State is taken on record.

Learned counsel for the petitioner claims parity with co-accused Anamika Bhaniya who was granted regular bail by this court on 23.12.2021 in CRM-M-51749 of 2021.

On 23.12.2021, this court passed the following order:

“The petitioner is seeking regular bail in FIR No.98 dated 02.06.2021 under Sections 392, 342, 170, 148, 149, 412, 120-B, 450, 452, 395, 397 IPC and Section 25 of the Arms Act, registered at Police Station Dinanagar, District Gurdaspur.

Learned counsel for the petitioner contends that it is alleged that the accused who were unidentified had entered the premises of the complainant when marriage function was going on and at gun point, jewellery along with

Rs.4 lacs had been taken away. In the FIR itself, the complainant had stated that the accused were in the age group of 30-45 years. The petitioner has been arraigned as an accused merely on suspicion. She is 19 year of age and her date of birth is 06.09.2001. He has referred to the copy of her Aadhar Card at Page No.17 of the petition. The petitioner is in custody for over six months since her arrest on 05.06.2021.

Learned State counsel, upon instructions from ASI Malkit Singh, states that although challan has been filed but no prosecution witness has been examined so far. He also contends that the petitioner along with her mother is alleged to have conducted recce of the premise prior to the incident and recovery of Rs.1,80,000/- has been effected from co-accused.

Heard.

In view of the above especially when the petitioner is 19 year of age, she is in custody for over six months, the Covid-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.”

Learned counsel for the State though opposes the prayer for grant of bail, he is not able to distinguish the parity of the petitioner with the co-accused so far as grant of bail is concerned.

Without commenting on the merits of the case and on the basis of parity of the petitioner with the co-accused so far as grant of bail is concerned, the petitioner is granted bail subject to her furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

5th January, 2023
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1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No