

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

CRM-M-23911-2023

Date of decision: 16.05.2023

Rajwinder Kaur @ Rajvinder Kaur

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Veeraj Sharma, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

NAMIT KUMAR, J. (ORAL)

1. Petitioner has filed the instant petition under Section 439 Cr.PC seeking regular bail in case FIR No.725 dated 17.12.2022 under Sections 177/193/419/420/494 of IPC, 1860 registered at Police Station Ambala City, District Ambala, Haryana (Annexure P-1).

2. The brief facts of the prosecution case are that FIR in the present case was registered on the complaint made by the Court of Ld. Sessions Judge, Ambala with the allegations that both Rajwinder Kaur (petitioner) and Avneet Singh filed a joint protection petition in the said court wherein Rajwinder Kaur (petitioner) claimed herself to be daughter of Harpal Singh whereas her father name was Balwinder Singh and in fact she was earlier married with Harpal Singh and one child was born out of said wedlock. Harpal Singh was also respondent no.4 in the protection petition appeared in person and stated that he was fraudulently arrayed as father of Rajwinder Kaur (petitioner) whereas he was her husband and that she was married with him on 05.03.2017. Fake affidavit and manipulated Aadhar card was also placed on record of said case.

Keeping in view the fact that both Rawinder Kaur (petitioner) and co-accused

Avneet Singh filed a joint protection petition and were initially provided protection by the court of Ld. Sessions Judge, Ambala on 08.12.2022. Subsequently, as per order dated 17.12.2022, passed by Ld. Sessions Judge, Ambala, the fraud and production of forged and fabricated record in the said case was discovered and FIR was got registered in this case.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that another co-accused namely Avneet Singh @ Manni has already been granted concession of regular bail by this Court vide order dated 17.04.2023 passed in CRM-8449-2023. He submits that petitioner is in custody since 18.12.2022; investigation in the present case is complete; challan has been presented; charges have been framed and there are total 10 prosecution witnesses who are yet to be examined. She is not involved in any other case. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. Per contra, learned State counsel, while placing on record, custody certificate, opposes the prayer for grant of regular bail to the petitioner by stating that the petitioner is a party respondent in complaint No.HMA/43/2023 under Section 13B Hindu Marriage Act, however, she is not in custody in that case. However, he could not dispute that co-accused namely Avneet Singh @ Manni has already been granted concession of regular bail by this Court vide order dated 17.04.2023 passed in CRM-8449-2023; investigation in the present case is complete; challan has been presented; charges have been framed and there are total 10 prosecution witnesses who are yet to be examined.

5. I have heard learned counsel for the parties and perused the record.

6. Keeping in view the custody of the petitioner, which is about 04 months and 28 days; another co-accused has already been granted concession of

regular bail by this Court; investigation is complete; challan has been presented; charges have been framed and there are total 10 prosecution witnesses who are yet to be examined; no recovery has been effected from the petitioner and trial is likely to take a considerable time.

7. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. Accordingly, the present petition stands disposed of.

9. Nothing observed herein shall be construed as an expression of opinion on the merits of the case of either parties.

16.05.2023
Parveen kumar

(NAMIT KUMAR)
JUDGE

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