

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26635-2023
Date of Decision:-18.08.2023

PALO BAI @ PALO RANI

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. K.S. Sidhu, Advocate
for the petitioner.

Mr. Vinay Kumar Gupta, AAG, Punjab.

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KARAMJIT SINGH, J. (Oral)

1. This is the second petition filed by the petitioner seeking regular bail in case having FIR No.295 dated 13.11.2021 registered under Sections 379-B, 34 IPC (Section 411 IPC added later on) at Police Station Fazilka, District Fazilka.
2. The counsel for the petitioner submits that the petitioner who has been falsely implicated in the present case is in custody for the last more than 1 year and 2 months and that co-accused, who were also named in the FIR are enlarged on bail and during trial the complainant has died and that it will take considerable time for trial to conclude and prayed that the petitioner be released on bail.

3. The present petition is resisted by the State counsel, who submits that the petitioner is named in the FIR and is involved in other criminal cases of similarly nature. However, the State counsel on instructions from ASI Birbal Singh has not disputed the fact that the complainant has already died and that the petitioner is in custody for the last more than 1 year and 2 months and till date only 1 witness has been examined out of total 13 witnesses on behalf of the prosecution.
4. I have considered the submissions made by counsel for the parties.
5. Admittedly the petitioner, who is a lady aged about 45 years is in custody for the last more than 1 year and 2 months and her co-accused are already enlarged on bail. The trial is not progressing ahead as till date only 1 PW out of total 13 PWs has been examined and the complainant/victim has already died. In view of the above, as it will take considerable time for the trial to terminate, so no fruitful purpose is going to be served by prolonging judicial custody of the petitioner for indefinite period.
6. Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

18.08.2023
Manisha

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No