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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-29654-2023
Date of decision: 03.07.2023

Bimla Rani
.....Petitioner
Versus

State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Jitender Singh Dadwal, Advocate for the petitioner

Ms. Himani Arora, AAG, Punjab.

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.24 dated 24.03.2022, registered under Section 420 of IPC and Section 24 of the Immigration Act, at Police Station Dehlon, District Ludhiana.
2. Learned counsel contends that the petitioner is in custody for more than 7 months. She has been falsely implicated in the case on account of the fact that there was an agreement to sell between her as well as the complainant and the amount is stated to have been demanded by her in relation thereto. Though, the charges have been framed, however none out of 17 prosecution witnesses have been examined. The petitioner is an aged lady, suffering from various ailments. The offences are triable by the Magistrate. Though there are 2 more criminal cases registered against the petitioner, however she is on bail. In this regard, he relies on the judgment passed by Hon'ble Supreme Court **Maulana Mohd. Amir Rashadi vs. State of U.P.and others**, 2012 (2) SCC 382.
3. Learned State counsel opposes the bail on the ground that there are

allegations of petitioner having demanded an amount of Rs.20 lakhs for sending the grandson of the complainant abroad. She is however unable to controvert the submissions with regard to the stage of the case, period of custody and the petitioner being on bail in other cases registered against her.

4. Heard.

5. Hon'ble The Supreme Court in the case of **Maulana Mohd.Amir Rashadi** (supra) has held that, "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 as such possibility of fleeing away from the jurisdiction of the Court, etc."

6. In view of the afore-referred judgments and the facts and the circumstances of the case, in particular that the petitioner is an aged lady, suffering from various ailments, is in custody for more than 7 months, she being on bail in other cases registered against her, though the charges been already been framed, however none out of 17 prosecution witnesses have yet been examined, the trial is likely to take a considerable time, her further incarceration would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

7. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to his 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 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.

8. It is made abundantly 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.
9. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

July 03, 2023
dharamvir

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No