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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35574-2023 (O&M)
Date of decision : 06.10.2023

Sheela Bai ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. C.S. Rana, Advocate for the petitioner.
Mr. Harjinder Singh Sidhu, AAG Punjab.
Mr. V.K. Pujara, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.48 dated 07.05.2023 under Sections 363, 366-A of the Indian Penal Code, 1860 (Section 120-B IPC added later on) registered at Police Station Bilga, Jalandhar, Punjab.
2. Learned counsel for the petitioner would contend that the petitioner has been implicated in a totally false case. Learned counsel would further contend that the victim was recovered on 19.06.2023, however, she refused to get her medical examination done. Further, the victim in her statement recorded under Section 164 CrPC stated that she had gone

alongwith the accused on her own accord. It is further the contention of learned counsel that the petitioner has been in custody for a period of 04 months and 07 days and that there is no other case pending against her.

3. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 04 months and 07 days and there is no other case pending against her.

4. Learned counsel appearing on behalf of the complainant states that the parties have since compromised the matter and he would have no objection if the bail is granted to the petitioner.

5. Heard.

6. In the present case the allegations in the FIR were that the daughter of the complainant had gone missing and the complainant along with her family members tried to trace her at their own level and came to know that her son-in-law namely, Surinder Singh @ Babbu, had taken her daughter somewhere with the intent to make physical relations with her. The present petitioner is the mother of the accused Surinder Singh @ Babbu. The allegation against the petitioner was that there was one audio recording wherein she was suggesting that the main accused should run away to Rajasthan and also offered financial assistance to him. The victim in the present case was recovered on 19.06.2023, however, she refused to undergo a medical examination. On 20.06.2023 she was produced before the Judicial Magistrate 1st Class, Phillaur, District Jalandhar for recording of her

statement under Section 164 CrPC wherein she stated that she had gone on her own accord with the accused Surinder Singh @ Babbu. Learned counsel for the complainant has also stated that the parties have since compromised the matter. As per the custody certificate, the petitioner has been in custody for a period of 04 months and 07 days and there is no other case pending against her. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

7. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

8. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

10. Disposed off. Pending applications, if any, also stand disposed off.

06.10.2023

Yogesh Sharma

(ALKA SARIN)

JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO