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Neutral Citation No. 2023:PHHC:099707

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-36628-2023

DECIDED ON: 3rd AUGUST, 2023

SUNITA

PETITIONER

VERSUS

STATE OF PUNJAB

RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Mukesh Kumar Bhatnagar, Advocate
for the petitioner.

Mr. Karan Puggal, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked 2nd time for grant of regular bail to the petitioner in case FIR No. 107, dated 27.03.2022, under Sections 379-B (2) read with Section 34 IPC, registered at Police Station A-Division, District Amritsar.

2. Learned counsel for the petitioner asserts that the only allegation qua the petitioner is with regard to snatching of wallet from the pocket of the complainant. As far as causing of injury with an iron rod on the head of the complainant is concerned that has been attributed to the main accused. It is an admitted fact by the complainant, as narrated in the FIR that in his wallet a photocopy of Aadhar Card and some money was

available. He further asserts that the name of the petitioner has been roped in the present case on the basis of disclosure statement of co-accused despite the fact that she was at her home and is not involved in the present case by any means.

3. On the other hand, learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He opposes the prayer made in the present petition stating that after commissioning of offence the petitioner ran away with the main accused and took shelter in Baba Shaheed Gurdwara. She made all attempts to evade her arrest. It is asserted by learned State counsel, on instructions from ASI Sucha Singh, that in the present case charges have been framed on 24.05.2023 wherein, Section 411 IPC has been added alongwith Section 379-B (2) read with Section 34 IPC.

4. Considering the afore-said facts and circumstances and the period so far undergone by the petitioner i.e. 1 year 4 months and 6 days, as is evident from the custody certificate added with the facts that nothing is to be recovered from the petitioner; charges have been framed on 24.05.2023 wherein, conclusion of trial will take sufficient long time, this Court is of the considered view that the petitioner could not be kept in custody any further, which would amount to violation of Article 21 of the Constitution of India and is against the principle "Bail is a rule, Jail is an exception" as elucidated in the judgement of Apex Court in "***Dataram Singh vs. State of Uttar Pradesh and another,, (2018) 3 SCC 22***".

5. In view of above, the petitioner is ordered to be released on bail subject to her furnishing personal/surety bonds to the satisfaction of

learned trial Court. She is also admitted on bail for the offence punishable under Section 411 IPC, as well

6. The present petition stands allowed in view of the afore-said terms.

7. However, it is made clear that anything stated hereinabove, shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

3rd AUGUST, 2023
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- 1. Whether speaking/ reasoned : Yes / No
- 2. Whether reportable : Yes / No