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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41692-2023(O&M)
Date of Decision: 28.08.2023

Jyoti @ Jyoti Bala

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Tarun Singla, Advocate, for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.138 dated 29.05.2023, under Sections 308, 323, 452, 454, 380, 120-B IPC, registered at Police Station Phillaur, District Jalandhar Rural.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody from 29.05.2023 which is almost 3 months but the police has still not presented the challan and the matter is still at the investigation stage. He submitted that be that as it may it is a case where even as per the prosecution story, the complainant had alleged that the complainant is neighbour of one Neelam who is the sister of the present petitioner and on her coming back to home, the brother of the petitioner namely Prem Chand @ Mithun had caused beatings upon her and stolen

some gold ornaments and Rs. 4600/-. He submitted that so far as the present petitioner is concerned, she is residing at a different place and not residing at the vicinity where the complainant and the sister of the petitioner namely Neelam is residing and even as per the allegations against the petitioner, there is no overt act attributable to the petitioner but the only allegations against the petitioner were that she had instigated the other co-accused. He submitted that in view of the aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, DAG, Punjab has submitted that it is correct that the petitioner is in custody for about 3 months and the police is still investigating the case and so far as the role of the present petitioner is concerned, he also submitted on instructions that the petitioner had instigated the other co-accused who in turn had given beatings to the complainant and had stolen some gold ornaments and an amount of Rs. 4600/-. So far as the criminal antecedents of the petitioner is concerned, he submitted that the petitioner is involved in one more case under Section 460 IPC. However, the brother of the petitioner namely Prem Chand @ Mithun is involved in number of cases.

4. I have heard the learned counsel for the parties.

5. The petitioner is stated to be a lady of the age of 29 years and she is in custody for about 3 months. As per the allegations, the role of the petitioner was that he had instigated the other co-accused namely, Neelam and Prem Chand @ Mithun who in turn had given beatings to the complainant and had stolen some gold ornaments and an amount of Rs. 4600/-.

Therefore, considering the aforesaid factual position as stated by the learned

counsel for the parties and considering the fact that the petitioner is a lady of the age of 29 years, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

28.08.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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