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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-46766-2023

Date of decision : 21.09.2023

Rakhi @ Rakshi**..... Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. H.P.S. Ishar, Advocate and
Mr. Sushil Deswal, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.165 dated 17.08.2022, registered for the offences punishable under Sections 364-A and 365 of IPC (Sections 323, 346, 328, 465, 468, 471, 482 and 120-B of IPC added later on), and Section 25 of the Arms Act, at Police Station Sadar Kharar, District SAS Nagar.

2. FIR was registered on the basis of statement of Krishan Kumar which reads as under:-

“Statement of Krishan Kumar S/o Sh. Baka Ram, R/o Society Quarter, near Arya Samaj Mandir, Sector-B Ajad Nagar, Ludhiana, District Ludhiana aged about 50 years, Mob. No.9815125528, stated that I am resident of above mentioned address and I work as manager in Usari Sahikari Sabha limited at Ludhiana Agar Wala Makan. I have two kids, eldest among them is

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Sakshi aged 22 years and younger son namely Hitesh Dumbra aged 20 years. That my younger son Hitesh Dumbra is doing B.E. Computer Science from Chandigarh University, Gharuan, who resides in room No.220 of Chandigarh University, Gharuan, Hostel Zakir. Today on 17.08.2022 at about 10.55 am, from my son's Mob. No.7973589385 received a call on my wife Smt. Rajinder Kaur's Phone No.8264135528 and some unknown persons was talking from my son's mobile phone who said that you are Hitesh's mother speaking, he has been kept by us at a secret place and if you want to see him alive, then give us Rs.50 Lac to release him, where you have to give money we will tell you later. Thereafter, I alongwith my family members came at Chandigarh University, Gharuan to see my son and enquired about my son from the staff members of the Chandigarh University. But we could not find anything, but it was clarified from the staff members of the Chandigarh University that my son is not there in the university on which me and my family members were going to the nearest police station to give information and we find you alongwith police party at Bus Stand Gharuan. Legal action be taken against unknown person/persons who called us on our above mentioned mobile phone saying that they have kidnapped our son and kept him at secret place and asked for ransom. I have got recorded my statement. I have read it, heard, which is correct.”

3. As per the case of the prosecution, victim was found confined at House in Ranjit Nagar and the petitioner who is also student of the same University was also apprehended from the spot.

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4. Counsel for the petitioner submits that the petitioner is behind bars for more than 01 year and 21 days. Challan already stands presented. Even though the charges were framed way back on 10.03.2023, yet the prosecution has not been able to examine any of the 31 cited witnesses. Thus, there being no apprehension that the petitioner shall tamper with the evidence, her custody cannot be prolonged as a punitive measure, as the trial is not likely to conclude in the near future. So far as the period of custody against the petitioner and the fact that she has no other criminal antecedents, the same are not disputed by the State counsel.

4. Keeping in view the fact the incarceration already suffered by the petitioner and that the trial is not going to conclude in the near future, the present petition is allowed. Petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

5. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

21.09.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No