

2023:PHHC:080322

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

**CRM-M-59283-2022 (O&M)
DECIDED ON: 1st JUNE, 2023**

KIRAN**.....PETITIONER****VERSUS****STATE OF HARYANA****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.**

Present: Mr. Tanmoy Gupta, Advocate, for the petitioner.

Mr. Gurbir Singh Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in case FIR No. 94, dated 03.06.2021, under Sections 379 and 420 IPC (Sections 419, 467, 468, 471, 120-B and 201 IPC and Section 66-C of IT Act, 2000 added later on and Section 406 IPC deleted), registered at Police Station Hassanpur, District Palwal.

2. Learned counsel for the petitioner has contended that neither the petitioner has been named in the FIR nor any specific role has been attributed to her. The petitioner has been arrayed as an accused on the basis of disclosure statement of her co-accused namely Rohit Tyagi and Chitranjan. Reliance has been placed upon the order dated 13.04.2023 passed in CRM-M-413-2023 whereby, the co-accused of the petitioner namely Rohit Tyagi has been granted the concession of regular bail by this Court, considering his custody period as well as role attributed to him.

3. Learned State counsel has opposed the prayer made in the present

petition stating that the petitioner is involved in 73 other cases of similar nature, which shows that he is an habitual offender.

4. Considering the fact that the petitioner seeks parity with her co-accused namely Rohit Tyagi who has been granted the concession of regular bail by this Court, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

5. This Court is sanguine of the fact that according to the proposition settle by the Apex Court that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of the Constitution of India and is against the principle of “Bail is rule and jail is an exception”.

6. Hence, the petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

7. The present petition is allowed in view of afore-said terms.

8. However, it is made clear that any observation made hereinabove, shall not be construed as an expression of opinion on the merits of the case.

1st JUNE, 2023
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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*