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2023:PHHC:080293

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

**CRM-M-59269-2022 (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. 179, dated 05.06.2021, under Sections 420 IPC (Sections 314, 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 Chandhuth, 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.

3. Learned State counsel has filed an affidavit of Mr. Mohd. Akil, IPS, Director General of Prisons, Haryana, which is taken on record. A perusal of para 2 of the said affidavit makes it apparently clear that out of total 74 pending cases, the bail orders have been issued by various Courts in 71 cases wherein, he has failed to furnish requisite bail bonds till today, as is evident from the custody

certificate as well.

4. According to the custody certificate, it is evident that the petitioner is inside the jail for the last 1 year 11 months and 8 days.
5. Considering the substantial period as suffered by the petitioner added with the fact that she is not in a position to furnish bail bonds as well, showing his pathetic condition of her family, merely on this account the petitioner could not be allowed to continue to stay inside the bars further wherein, out of 24 prosecution witnesses none has been examined so far after framing of charge on 09.12.2021, which shows that trial will certainly take long time to conclude, no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.
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*