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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-381 of 2024(O&M)
Date of decision:- 26.02.2024

KARAMJEET KAUR

... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

... Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Krishan Kumar Thakur, Advocate
 for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

Mr. Pritpal Singh Miglani, Advocate for respondent No.2.

SANJIV BERRY, J. (ORAL)

CRM-5926 of 2024

1. The instant application is for placing on record Annexures R2/1,
R2/2 and R2/3.

2. Heard.

3. Application is allowed and Annexures R2/1, R2/2 and R2/3 are
taken on record.

Main case

1. Learned State counsel has filed custody certificate dated
25.02.2024. The same is taken on record, copy thereof has been supplied to
the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
147	03.06.2014	420, 465, 467, 468, 471 IPC	Barnala, District Barnala

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the present case. He contends that the marriage of the petitioner was solemnized in 2009 and the alleged complaint had been moved by her brother in law in 2012. The cancellation reports were submitted in the case thrice in 2014, 2016 and 2018 and in the meanwhile one another application moved by the complainant the instant FIR was registered and accused was arrested on 03.12.2023, since then she is in custody. He submits that it will take sufficient long time for the prosecution to conclude the trial and no purpose would be served by detaining the petitioner any longer who is having 2 minor children aged 6 years and 1 year, hence he prays for grant of concession of bail to the petitioner.

4. Per contra, learned counsel for the State referring to the reply dated 24.01.2024 opposed the bail application. Learned counsel for the complainant has also opposed the bail application by arguing that the petitioner has committed fraud with the complainant and has fabricated her birth certificate, as such she does not deserve concession of bail.

5. After considering the rival contentions and perusing the record, it transpires that petitioner arrested on 03.12.2023 and since then she is

custody, challan has already been presented in Court and petitioner is having two minor children, the factum as to whether petitioner has fabricated the birth certificate or used in any manner, is to be established after conclusion of trial in the case which is triable by the Court of Magistrate. Prosecution has cited 13 witnesses and none of them have been examined till date, conclusion of trial may take sufficient long time and considering no other criminal case is pending against the petitioner, no purpose would be served by detaining petitioner in custody any longer.

6. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

26.02.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No