

CRM-M-5171-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-5171-2024 (O&M)

Date of Decision: 01.07.2024.

Gurpreet Kaur @ Meeti

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Kamaldip Singh Sidhu, Advocate for the petitioner.

Ms. Neha Sonawane, Deputy Advocate General, Punjab.

Mr. Achin Gupta, Advocate and

Mr. Karan Bhardwaj, Advocate for the complainant.

Mahabir Singh Sindhu, J.

Present second petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in FIR No.93 dated 22.06.2021 under Section 306 IPC, registered at Police Station City Moga, District Moga.

2. Learned counsel for the petitioner contends that she is in custody since 19.04.2023; charges were framed on 26.10.2023, but out of total 26 prosecution witnesses, only 04 witnesses have been examined till date. Further contends that there is no other criminal case pending against petitioner and she is ready to fully cooperate with the proceedings before learned trial Court. Thus, further incarceration of petitioner would not serve any purpose.

3. *Per contra*, learned State counsel opposed the prayer of petitioner while submitting that on earlier occasion, she was declared proclaimed offender.

Thus, petitioner does not deserve the concession of bail pending trial. Also submits that in case the petitioner is released on bail, she is likely to hamper the trial and influence the prosecution witnesses.

4. Learned counsel for the complainant also opposed the petition submitting that allegations against the petitioner are very serious in nature.

5. Heard learned counsel for the parties and perused the paper-book.

6. It is not in dispute that two co-accused with similar allegations, namely Baldev Singh and Jaspreet Singh @ Jassa have already been granted the concession of bail pending trial by Co-ordinate Bench, vide orders dated 22.07.2022 (P-13 and P-14). Also discernible that charges have already been framed, but out of total 26 prosecution witnesses, only 04 have been examined till date. Thus, trial is likely to take sufficient long time. Of course on earlier occasion, the petitioner was declared proclaimed offender, but now she is in custody for the last more than one year and no other criminal case is pending against her, thus further incarceration would not serve any purpose.

7. Consequently, instant petition is allowed; petitioner shall be admitted to bail on her furnishing bail/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned.

8. The above observations may not be construed as an expression of opinion on merits of the present case in any manner.

9. Pending application(s), if any, shall also stand disposed off.

(MAHABIR SINGH SINDHU)
JUDGE

01.07.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No