



CRM-M-7007-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-7007-2024

Date of Decision :14.05.2024

Jatinder Kaur @ Jyoti

...Petitioner

Versus

State of Punjab

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Rohit Ahuja, DAG, Punjab.

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Harsimran Singh Sethi, J. (Oral)

In compliance of order dated 08.05.2024, a short affidavit filed on behalf of the respondent-State in the Court today is taken on record.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.164 dated 02.10.2022 registered under Sections 222, 224, 225-A & 120-B of the IPC (Sections 212 & 216 of the IPC and Sections 25/54/59 of the Arms Act, 1959 added later on) at Police Station City-I Mansa, District Mansa.

Learned counsel for the petitioner submits that the only allegation alleged against the petitioner is that the petitioner helped one Deepak, who was involved in FIR No.218 dated 22.08.2019 registered under Sections 302 & 34 of the IPC at Police Station Sardulgarh, District

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Mansa, after escaping from the custody of police. Learned counsel for the petitioner further submits that along with the petitioner the brother of the said Deepak namely, Chirag and Bittu were also made co-accused and the co-accused Bittu, against whom the same allegations have been alleged, has already been granted the concession of regular bail by this Court while passing order in CRM-M-49138-2023 on 04.10.2023 hence, the petitioner be also extended the said benefit of regular bail as being granted to the similarly situated co-accused namely, Bittu.

Learned State counsel submits that though, it is a matter of fact that allegations alleged against the petitioner and the co-accused Bittu were same but there is an apprehension that the petitioner might flee the trial as the petitioner was arrested from Mumbai Airport hence, the petitioner may not be extended the benefit of regular bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It may be noticed that the allegations alleged against the petitioner are same as being alleged against the co-accused Bittu. The only allegation against the petitioner is that the petitioner and co-accused Bittu and Chirag had helped after the accused Deepak fled from the police custody, which act was done in connivance with the official of the Punjab Police, however, allegations alleged against the petitioner are yet to be proved during the course of trial and the co-accused Bittu against whom the similar allegations have been alleged, has already been granted the

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concession of regular bail by this Court while passing order in CRM-M-49138-2023 on 04.10.2023. No differentiating fact between the case of the petitioner and the said co-accused Bittu has been brought to the notice of this Court so as to deny parity between the petitioner and said co-accused Bittu.

The only argument raised by the learned State counsel is that the petitioner might flee the trial, the said allegation is only a bald allegation based upon the fact that the petitioner was arrested from Mumbai Airport but still the said apprehension can be taken care of by directing the petitioner to deposit her passport and by giving undertaking that she will not leave the country without the permission of the competent Court of law, even if, she has to leave the country for an emergent purpose and the trial Court is also directed to impose the said condition while accepting the bail bonds of the petitioner and the passport of the petitioner be got deposited, if not, already deposited with the trial Court.

Further, it has already come on record that in the present case, out of the total 56 cited witnesses, none of the witness has been examined so far hence, the trial is likely to take some time before it finally concludes and no useful purpose would be served by keeping the petitioner behind the bars during the entire period of trial especially, when the petitioner has already suffered incarceration for a period of one year and six months.

Keeping in view the facts and circumstances recorded hereinabove, the petitioner has made out a case for the grant of benefit of

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regular bail on the ground of parity, especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, present petition is allowed and it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

May 14, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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