

CRM-M-14561-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(246)

CRM-M-14561-2024
Date of Decision:- 10.04.2024

Sarabjit Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Abhinav Jain, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition has been filed *inter alia* praying for grant of regular bail to the petitioner in case FIR No. 208 dated 24.09.2023, under Section 363-A of the Indian Penal Code, 1860, registered at Police Station City, Moga, District Moga (Annexure P-1).

2. At the outset, status report by way of an affidavit of Mr. Ravinder Singh, PPS, Deputy Superintendent of Police, City Moga, District Moga, has been filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions. Copy thereof has been supplied to the learned counsel for the petitioner.

3. Custody certificate of the petitioner has also been filed by learned State counsel in Court today, which is taken on record, according to which the petitioner is in custody for the last 06 months and 15 days.

4. Learned counsel for the petitioner submits that, inadvertently, it was mentioned on the last date of hearing that 08 witnesses out of 13

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witnesses have been examined and the said witnesses have not supported the prosecution version, however, submits that the said fact was wrong and no witness has been examined till date and, in fact, the challan was presented on 12.02.2024.

5. Learned State counsel has vehemently opposed the grant of any concession to the petitioner that she was accused of kidnapping an infant, however, could not deny the fact that she is in custody for the last 06 months.

6. In light of the above and considering the fact that the petitioner is in custody for last 06 months and 15 days, coupled with the fact that the antecedents of the petitioner are clean, therefore, the ends of justice would be met, if stringent conditions are imposed upon the petitioner apart from those imposed in para 7 that she shall not visit any area which falls in the vicinity of the house of the complainant.

7. Without commenting upon the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail by furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. She shall, however, be released on the following conditions:

- i. The petitioner shall declare her ordinary place of residence and the mobile number used by her.
- ii. The petitioner will not switch off her mobile and in case of any technical glitch, she has to give an alternate number, which will be available in her absence.
- iii. The petitioner will mark her presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark her

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presence, she is permitted to make an application before the Illaqa Magistrate, concerned.

- iv. The petitioner will not leave the country without the prior permission of the Court, for which she will submit the copy of her passport also.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

8. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

10. It is further made clear that this order shall not be construed as parity *qua* any other co-accused.

(ALOK JAIN)
JUDGE

April 10, 2024
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Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No