



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

**CRM-M-15229-2024  
DECIDED ON: 10.07.2024**

**SUMANDEEP KAUR**

**.....PETITIONER**

**VERSUS**

**STATE OF PUNJAB**

**.....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Lovish Rattan, Advocate  
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

**SANDEEP MOUDGIL, J (ORAL)**

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.255, dated 04.12.2021, under Sections 365 (302, 201, 120-B added later on and Section 365 deleted) IPC, registered at Police Station Goindwal Sahib, District Tarn Taran.

2. Learned counsel for the petitioner submits that the allegation against the petitioner in the challan is that he was accompanying the main accused Lovejit Singh, who happens to be his friend and there is no specific allegation against the petitioner. In addition thereto, learned counsel for the petitioner relies upon the testimony of the complainant Baljeet Singh (father of the deceased girl) wherein, he did not identify the petitioner and has turned hostile. He further submits that the petitioner is in custody since 11.12.2021 and the trial is not proceeding as witness Jit Singh @ Jeeta has

absented himself from the proceedings for which non-bailable warrants have been issued against him.

3. On the other hand, learned State counsel has vehemently opposed the grant of concession of bail to the petitioner but does not deny the long incarceration suffered by the petitioner and filed the custody certificate, which is taken on record.

4. Heard the learned counsel for the parties.

5. Considering the long incarceration of the petitioner coupled with the fact that the material witness Jit Singh @ Jita has absented himself despite being bound down, who is the only witness who had stated that he had seen all the accused taking the child to the doctor and the complainant has failed to identify the petitioner and has turned hostile and the trial is likely to take time, therefore, no useful purpose would be served by keeping the petitioner in custody.

6. In the light of aforesaid discussion and having gone through the record with the assistance of learned counsel for the petitioner, this Court is obvious of the fact that the petitioner cannot be detained behind the bars for an indefinite period, which would tantamount to violation of principle of criminal jurisprudence i.e. *“bail is a rule and jail is an exception”*, as has been held by Division Bench of this Court in **“Rajinder Singh versus State of Haryana”, 2022(2) RCR (Criminal) 85** as well as by the Apex Court in **“Dataram Singh vs. State of Uttar Pradesh & Anr.”, 2018(2) R.C.R. (Criminal) 131** apart from the fact that Article 21 of the Constitution of India also includes right of speedy trial and expeditious disposal of the same.

7.           Therefore, the petitioner is directed to be released on regular bail on her furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.
8.           In the afore-said terms, the present petition is hereby allowed.
9.           However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

10.07.2024  
Poonam Negi

(SANDEEP MOUDGIL)  
JUDGE

|                                  |               |
|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |