



220 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29091-2024
DATE OF DECISION: 02.07.2024

NAVJOT KAUR ...PETITIONER
Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr.Rishu Mahajan, Advocate for the petitioner(s).
Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 233, dated 03.10.2023, under Sections 420/467/468/471/120-B of IPC, registered at Police Station Maqboolpura, Amritsar.

2. Learned counsel for the petitioner contends that as per the allegations the petitioner along with other co-accused persons have taken money from the complainant and his father in order to get secure job of the complainant in Punjab Police. He submit that the petitioner has been falsely implicated in this case and no case is made out under Sections 420/467/468/471/120-B of IPC. He further submits the petitioner is behind the bars for almost 9 months and conclusion of trial will take long time.

3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to which, the petitioner is behind bars for last 8 months and 25 days and is not



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involved in any other case.

4. Having heard learned counsel for the respective parties, this Court is of the considered view that since the petitioner has already suffered sufficient period in custody and as per the principle of the criminal jurisprudence, no one should be considered as guilty till the guilt is proved beyond reasonable doubt, whereas in the instant case, after framing of the charges no prosecution witness has been examined, therefore, trial is prolonged and likely to take long time and detaining the petitioner behind the bars for an indefinite period would amount to violation of Article 21 of the Constitution of India and is against the principle “*Bail is a rule, jail is an exception*” as elucidated in the judgement of Apex Court in “*Dataram Singh vs. State of Uttar Pradesh and another*;; (2018) 3 SCC 22”.

5. In view of the aforesaid discussions made hereinabove, 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.

6. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

7. Petition is allowed in above terms.

(SANDEEP MOUDGIL)
JUDGE

02.07.2024

anuradha

Whether speaking/reasoned Yes/No

Whether reportable Yes/No