

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.36658-2023 (O&M)  
Date of Decision: 10.01.2024

Manjit Kaur  
..... Petitioner  
  
Versus  
  
State of Punjab  
..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. P.B.S. Goraya, Advocate for the petitioner.  
  
Mr. M.S.Tiwana, AAG, Punjab.

\*\*\*\*

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.10 dated 29.12.2018, under Sections 419, 420, 465, 467, 468, 471, 120B of the Indian Penal Code, 1860, registered at Police Station NRI, Police Commissionerate Amritsar.

(2) Above FIR was registered on the basis of statement made by complainant-Surjit Singh Mahal with the allegations that petitioner in connivance with co-accused forged the signatures of the complainant and got registered the sale deed of plot belonging to the complainant.

(3) This Court, while issuing notice of motion on 20.09.2023, granted interim bail to the petitioner and the same reads as under:-

*“Contends that all four co-accused have already been declared as proclaimed offenders on 26.05.2023 by learned Judicial Magistrate 1<sup>st</sup> Class, Amritsar; thus, the trial is likely to take sufficient long time. Also contends that charges qua petitioner have already been framed; therefore, his further incarceration would not serve any purpose.*

*Notice of motion.*

*On asking of the Court, Mr. Amish Sharma, AAG, Punjab accepts notice on behalf of the respondent and seeks time to have instructions and/or file written response in the matter.*

*Commissioner of Police, Amritsar shall take necessary steps in accordance with law against all four co-accused and report in this regard be submitted before the next date of hearing.*

*Posted on 09.11.2023.*

*In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on her furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”*

(4) Learned Counsel for the petitioner contends that in compliance of aforesaid order, petitioner is regularly appearing before the Court below and the matter is pending before learned trial Court for prosecution witnesses. Also contends that as on today, there is no other criminal case pending against the petitioner.

(5) Learned State Counsel on instructions from the quarter concerned is not able to dispute the aforesaid contention raised by learned counsel for the petitioner.

(6) Heard both sides and perused the paper-book.

(7) Keeping in view the facts that matter is pending before learned trial Court and petitioner is regularly appearing before learned trial Court and there is no allegation that in case she is granted bail pending trial, she will misuse the concession in any manner; thus, in such a scenario, sending her in custody at this stage would not serve any purpose.

(8) Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 20.09.2023, is made absolute. She shall be admitted to bail on her furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

- (9)           Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.
- (10)           The above observations may not be construed as an expression of opinion on the merits of the case.
- (11)           It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.
- (12)           Disposed off accordingly.
- (13)           Pending application(s), if any, shall also stand disposed off.

10.01.2024  
Harish Kumar

( MAHABIR SINGH SINDHU )  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |