

243

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-41391-2023

Date of decision:- 02.02.2024

RAMANDEEP KAUR

....Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Ms. Dhivya Jerath, Advocate,
for the petitioner.
Mr. Harpreet Singh, Addl. AG, Punjab.

SANJIV BERRY, J. (ORAL)

Ms. Dhivya Jerath, Advocate has put in appearance on behalf of the petitioner and filed Vakalatnama. The same is taken on record.

2. Learned State counsel has filed reply by way of an affidavit dated 31.01.2024 of Deputy Superintendent of Police, Sub Division Ahmedgarh, District Malerkotla, as well as custody certificate dated 01.02.2024 the same is are taken on record. Copy thereof has been supplied to the counsel opposite.

3. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
69	05.07.2023	409 IPC (420, 201,120-B IPC added lateron)	Sadar Ahmedgarh, District Malerkotla.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner had been working as Branch Post Master in village Lasoi and consequent to her transfer and promotion one Balbir Singh joined as Branch Post Master in her place. The petitioner handed over the pass books of the customers to him against proper receipt (Annexure P-2). He contends that the allegations against the petitioner pertains to the year 2015-2022 and during that period there had been periodic quarterly inspection of the Post Office and all the records were checked and verified but no embezzlement was pointed out by any authority. She contends that the instant FIR has been registered by the police without verifying the facts and even the petitioner was getting threats during investigation for which she had to file CRWP No. 4679 of 2023 in this Court which was decided vide order dated 15.05.2023 (Annexure P-3). He submits that the petitioner is in custody since 12.07.2023 and the challan has already been presented in Court, therefore, petitioner is not required for further investigation and as such prays for grant of concession of bail.

5. Per contra learned State counsel referring to the reply dated 31.01.2024 has assailed these arguments by submitting that the petitioner is not entitled to concession of bail considering the serious nature of the allegations.

6. After considering the rival contentions and perusing the record the documents referred by learned counsel for the petitioner, there is no dispute qua the petitioner being posted as Branch Post Master for the period

2015 to 2022 in the village Lasoi and thereafter she was transferred from there and handed over the charge to Balbir Singh, as is evident from (Annexure P-2). It is not disputed that there had been quaterly inspections of the post office during her tenure and no such embezzlement has been pointed out. However, on the complaint moved by the complainant, the police has registered the instant FIR and arrested her on 12.07.2023, after completion of investigation challan has been presented in Court and 47 witnesses have been cited by the prosecution. Admittedly none of the witnesses have yet been examined, therefore, in these circumstances, the conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner.

7. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

02.02.2024
Gyan

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |