

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

CRM-M-45261 of 2023

DATE OF DECISION :- 06.02.2024

Mamta Rani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Mandeep Singh, Advocate for the petitioner.

Mr. Hemant Aggarwal, AAG, Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 0067 dated 30.03.2022, registered for the offences punishable under Sections 376,323,120-B, 379 of IPC and Sections 3,5,6 of Immoral Traffic (Prevention) Act at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. Counsel for the petitioner submits that the petitioner was arrested on 11.04.2022 and she is in continuous custody since then. Learned counsel has further argued that investigation in the case is complete and trial is underway. Learned counsel for the petitioner has referred to, in extenso, to the statement under Section 164 Cr.P.C made by the victim-Ranjeet Kaur wherein it is stated that *“I have done it out of anger. When the accused persons felt sorry before me then I also realized my own mistake and there is not of any kind of pressure or compulsions on us. We both, me and my husband are doing the compromise with our own free will.”* In this view of the matter, learned counsel for the petitioner prays for grant of regular bail to the petitioner.

3. Counsel for the State opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of regular bail.

4. I have heard counsel for the parties and have gone through the available records of the case.

5. The petitioner was arrested on 11.04.2022 wherein after investigation was carried out and challan has been presented on 09.07.2022. Total 21 witnesses have been cited and hence culmination of trial will take its own time. The rival contentions of the learned counsel for the parties regarding the weightage required to be attached to the statement made by the victim under Section 164 Cr.P.C will be gone into during the course of trial. This Court does not deem it appropriate to delve into these rival contentions, at this stage, lest it may effect the merits of trial. No perceptible material has been brought on record to show that there is likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per the custody certificate dated 03.02.2024 filed by the learned State counsel, the petitioner has suffered incarceration of about 1 year and 10 months & is not shown to be involved in any other case. In the considered opinion of this Court, further detention of the petitioner as an under trial is not warranted.

6. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.

- (iii) The petitioner shall not absent herself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit her passport, if any, with the trial Court.
- (vi) The petitioner shall give her cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change her cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

7. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

8. Ordered accordingly.

9. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

10. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

06.02.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No