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

CRM-M-57338-2023**Date of Decision: 13.12.2024**

Saina

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Akash Mehta, Advocate for
Mr. M.K.Bhargav, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Senior DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to her in case FIR No.77 dated 26.08.2023 registered under Sections 454, 380 of IPC and Section 411/34 of IPC added later on, at Police Station Qadian, District Gurdaspur.

2. Learned counsel for the petitioner contends that the FIR was initially registered against unknown persons and there was no evidence to connect the petitioner with the alleged crime. Learned counsel further contends that as per case of the prosecution, the petitioner had committed the offence in collusion with her husband, whereas 2 years prior to the occurrence, the petitioner was living separately from her husband, at her parental house at Quadian, District Gurdaspur. Learned counsel further contends that even the petitioner was not seen in the CCTV footage and no evidence was collected during the course of investigation. The petitioner is a mother of 3 years old

child and deserves sympathetic consideration. The petitioner is in custody for the last more than 5 months and 7 days. It is further contended that there is no other case against the petitioner.

3. On the other hand, learned State counsel vehemently argues that the petitioner was earlier granted the concession of interim bail, but she was declared proclaimed offender. He further contends that now the petitioner has been again arrested on 14.09.2024. However, he admits that there is no other case against the petitioner.

4. I have heard the learned counsel for the parties and perused the record.

5. In the present case, the petitioner is in custody for the last more than 5 months. Even her husband has also been arrested by the police on 18.09.2024 and is in custody since then. Moreover, the challan has already been presented against the petitioner and the conclusion of the trial may take quite a long time.

6. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

13.12.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No