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

Sr. No.217

**CRM-M-18720-2023 (O&M)
Date of decision : 17.02.2025**

Amandeep Kaur

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Vipin Kumar Sharma, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.84 dated 12.08.2016 under Sections 363, 366 & 120-B IPC, Section 376-D added vide order dated 26.11.2024, Sections 354-B, 323, 506, 34 IPC and Sections 25, 54 & 59 of the Arms Act, 1959, registered at Police Station Lambra, District Jalandhar.

2. The relevant extract of statement of the complainant is reproduced below:-

'Statement of Amandeep Kaur d/o Ajay Pal resident of Kohala, Police Station Lambra, District Jalandhar age about 20 years mobile No.7087223961. It is stated that I am resident of the above said address and I do the work of NAREGA in village and I am passed upto 8th class. My friend, Ravi is resident of Kalianpur, who send one girl named Laddi at my house and said that she has to be recruited and keep her with you for some days. On dated 11.08.2016, I and my mouth speaking brother, Sheera resident of Gobindpur and my friend

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Laddi, were gone to Baba Murad Shah Nakodar for bowing their head and on return, in the night time, were coming to our village Kohala from Jalandhar. When, at time about 1.30 a.m., we reached river bridge Kohala, then one jeep, whose number is not known to me, were stopped in front of us and out of which, three young men were stepped down and one motor cycle rider was also stopped at the spot whose motor cycle was Splender, whose number is also not known to me. All the abovesaid persons started beatings to me and Laddi. Upon this I, by running from there and hid myself in fields and the abovesaid persons started beatings to me and Laddi. Upon this I, by running from there and hid myself in fields and the abovesaid four young men took away by getting him seated along with them and Sheera was also gone on his motor cycle along with them. This entire act was done in connivance with Sheera. The abovesaid persons have kidnapped laddi. Legal action may be taken against them. I was going to police station to meet you and you met me in street. I have recorded my statement. Statement is heard and it is correct. Sd/-Amandeep Kaur (Punjabi).'

3. Learned counsel for the petitioner *inter alia* submits that the petitioner who had initially filed the complaint, has been falsely implicated in this case on the statement of the victim. As per allegations made by the prosecutrix in statement recorded under Section 164 Cr.P.C., no offence is made out against the petitioner. He further submits that the petitioner has undergone an actual custody of 01 year, 11 months and 22 days and is not involved in other criminal case. He also submits that co-accused has already been granted the concession of bail vide order dated 23.01.2023 (Annexure P5) passed by a Coordinate Bench of this Court in CRM-M-8253-2022.

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4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 01 year, 11 months and 22 days and there is no other criminal case registered against her. He on instructions submits that charges were framed on 12.07.2024 and out of a total of 15 prosecution witnesses, 08 witnesses have been examined till date and 04 witnesses have been given up. He however, submits that in view of the serious allegations against the petitioner, she is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. A perusal of the case in hand transpires that the petitioner is behind the bar since 23.02.2023. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of total 15 prosecution witnesses, 08 witnesses have been examined till date. The co-accused has already been granted concession of regular bail. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violate of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle "Bail is a

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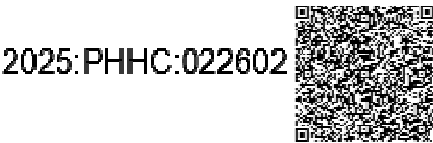
rule, jail is an exception” as elucidated in the judgment of Apex Court in ***“Dataram Singh vs. State of Uttar Pradesh and another”, (2018) 3 SCC 22.***

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which she is accused of, or for commission of which she is suspected.
- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would



proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

17.02.2025
Ramandeep Singh
Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No