

Shally Sharma vs State Of Punjab on 10 March, 2022

Author: Jasgurpreet Singh Puri

Bench: Jasgurpreet Singh Puri

CRM-M-9581-2022

- 1 -

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9581-2022

Date of Decision: 10.03.2022

Shally Sharma

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sunil Agnihotri, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.0255 dated 18.12.2021, under Sections 363 and 365 IPC, registered at Police Station Dasuya, District Hoshiarpur.

The learned counsel for the petitioner has submitted that it is a case where allegations against the petitioner were that she had kidnapped one child and which was ultimately recovered from the house of the petitioner alongwith the husband of the petitioner. He further submitted that husband of the petitioner has already been granted bail by this Court and in the present case challan has already been presented after the completion of the investigation and no recovery is to be effected from the petitioner. He further submitted that petitioner is a lady of the age 41 years and she is in custody from 19.12.2021. He further submitted that the petitioner is not 1 of 2 involved in any other case and, therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has submitted that it is correct that the petitioner is in custody from 19.12.2021 and investigation of the

case is already complete and no recovery is to be effected from the petitioner and the child has already been recovered. He further submitted that it is correct that the petitioner is not involved in any other case and the husband of the petitioner has already been granted bail by this Court.

I have heard the learned counsel for the parties.

The petitioner is in custody from 19.12.2021 and the investigation of the case has already been completed and no recovery is to be effected from the petitioner and the trial of the case may take long time. The petitioner is a lady of 41 years of age and, therefore, no useful purpose will be served in case the petitioner is kept in custody for longer time. Therefore, without commenting on the merits of the case and considering the totality of circumstances, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

10.03.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No