

Bail Application No.1642

FIR No.167/12

PS EOW

U/ss 419/420/467/468/120B/34 IPC

State Vs. Raksha J. Ursh @ Priyanka Dev Saraswat

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10.05.2022

Present: Sh. Archit Kaushik, learned counsel for accused/applicant.
Sh. P.K. Ranga, learned Addl. PP for the State.

This is an application u/s 439 Cr.P.C. filed on behalf of accused / applicant seeking regular bail.

Charge-sheet perused.

The present case FIR No.167/12 PS EOW was registered on 07.12.2012 u/ss 419/420/467/468/471/120B/34 IPC r/w Sec. 12 PP Act against the accused/applicant and she was arrested on 10.11.2012. The charge-sheet was filed on 30.07.2014 before the court of learned CMM and since then, charge has not been framed.

Section 29(1) of Cr.P.C. envisages that "The court of a Chief Judicial Magistrate may pass any sentence authorised by law except a sentence of death or of imprisonment for life or of imprisonment for a term exceeding 7 years".

Admittedly, the accused/applicant is languishing in JC since 10.11.2012 and has spent more than 7 years which is the maximum punishment which can be awarded to her by the learned CMM. Needless to say, that the period of her incarceration has not only led to travesty of justice but also reflects poorly on our judicial system. The learned CMM has failed to justify non framing of charge since the charge-sheet was filed on 30.07.2014. It is pertinent to mention here that the prosecution has cited about 133 prosecution witnesses which probably at this snail's pace will take an entire lifetime. The learned Addl.PP for the State has miserably failed to give any reasoning which appeals to logic as to why the relief should not be granted.

Be that as it may, considering the long incarceration of

accused/applicant coupled with the fact that she is a woman and has a family, accused/ applicant is admitted to bail on furnishing bail bond of Rs.1,00,000/- (Rupees One Lac) with two sureties each of the like amount to the satisfaction of learned CMM/Link Court. Learned CMM is also directed to expedite the matter and frame charge within one month.

Application is disposed of accordingly.

(HEMANI MALHOTRA)
ASJ-09/W/THC/10.05.2022