

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-20470 of 2015 (O&M)
Date of Decision: 08.07.2015

Babita

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:-HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Peeush Gagneja, Advocate for the petitioner.

Mr. Satish Saini, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Section 439 Cr.P.C praying for grant of regular bail to the petitioner in case F.I.R. No. 346 dated 13.8.2014 under Sections 419, 420, 467, 468, 471, 120-B I.P.C registered at Police Station, Civil Lines, Bhiwani, District Bhiwani.

Counsel for the parties have been heard.

Complainant in the present case i.e. Meena Kanwari happens to be the real sister of the present petitioner. Allegations have been levelled against the entire family i.e. against the mother, two brothers as also the present petitioner i.e. the sister with regard to having usurped and misappropriated certain amount of money which was allegedly falling to the share of the complainant and had been sanctioned for a water course pertaining to property belonging to the father and who has since expired.

The total amount in question stated to be misappropriated is Rs.22,000/- approximately.

Petitioner has been in custody since 12.5.2015.

It would be apposite to take note of the submission raised by counsel for the petitioner that the present F.I.R is a mere counter blast of

previous criminal proceedings, wherein the present petitioner had levelled allegations of rape against her brother-in-law Hari Singh, who is husband of complainant and in which the complainant i.e. Meena Kanwari was also accused and F.I.R No.67 dated 9.11.2011 under sections 420, 376, 323, 506 I.P.C read with section 34 I.P.C was registered at Police Station, City Abhohar and thereafter the complainant Meena Kanwari as also her husband i.e. brother-in-law of the petitioner were convicted by the Trial Court in terms of judgement dated 8.6.2014.

In the totality of circumstances and keeping in view the position as regards trial being still at the very initial stage as also in view of the incarceration already suffered by the petitioner, she is held entitled to the concession of bail. Petition accordingly, is allowed.

Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, Bhiwani.

(TEJINDER SINGH DHINDSA)
JUDGE

08.07.2015

lucky