

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

Crl.Misc. No.M-24759 of 2015
Date of Decision : 4.8.2015

Darshna

.....Petitioner

Vs.

State of Haryana

.....Respondent

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Mr. Robin Singh Hooda, Advocate for the petitioner.
Mr. M.K. Sangwan, DAG, Haryana.

...

1. To be referred to the Reporter or not ?
2. Whether the judgement should be reported in Digest ?

RAMESHWAR SINGH MALIK, J

Petitioner seeks bail pending trial in FIR No.132 dated 7.3.2015 under Sections 302/34, 201, 120-B IPC registered at Police Station Sadar, Sonapat.

Learned counsel for the petitioner submits that admittedly petitioner was not named in the FIR, because of which there would be no scope of levelling allegations against the petitioner. He further submits that disclosure statement suffered by any of the co-accused of the petitioner, that too before the police, would be of hardly any consequence. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Naresh, Police Station Sadar, Sonapat, submits that since Anil, co-accused of the petitioner has specifically named her in his very first disclosure statement,

petitioner is not entitled for bail pending trial. He prays for dismissal of the present petition.

Having heard learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this court is of the considered opinion that in the given fact situation of the present case, petitioner has been found entitled for bail pending trial. It is so said because it is a matter of record that petitioner was not named in the FIR. Once the petitioner was not named in the FIR, there was no scope of levelling any allegation against the petitioner. Further, disclosure statement suffered by her co-accused namely; Anil, Jaivir and Dharambir before the police, would have no evidentiary value, particularly when the said disclosure statement was not followed by any recovery from the petitioner. In such a situation, it will be debatable issue, whether the petitioner played any role in the commission of crime or not. Petitioner is inside the jail since 10.3.2015 and since the trial is yet to start, conclusion thereof will take some time.

In view of the above and without commenting anything further on the merits of the case at this stage, lest it should prejudice the rights of either of the parties, present petition is allowed. Petitioner is directed to be released on bail pending trial on her furnishing adequate bail bonds/surety bonds to the satisfaction of the learned trial court.

Disposed of, accordingly.

4.8.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE