

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

Crl. Misc. No.M-41712 of 2015

Date of Decision: 15.12.2015

Ramwati

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. Deep Karan Dalal, Advocate
for the petitioner.

Mr. B.S. Virk, D.A.G., Haryana
for the respondent-State.

DAYA CHAUDHARY, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.879 dated 23.09.2015 registered under Sections 148, 149, 307 IPC and 25 of the Arms Act at Police Station Sadar, Gurgaon, District Gurgaon.

Learned counsel for the petitioner submits that only the name of the petitioner has been mentioned in the FIR and no overt act has been attributed to her. Simply, it has been mentioned that she was armed with *knife* but that *knife* was not used by her. Learned counsel also submits that no injury has been attributed to the present petitioner. There was fire-arm injury and that has been caused by co-accused of the petitioner. Learned counsel also submits that the petitioner has falsely been implicated in the offence because of earlier grudge as her daughter had made a complaint

against the complainant party. The allegations of rape were there but subsequently the accused was acquitted of the charge on 19.12.2014. The present FIR has been registered on 23.09.2015. The petitioner is a lady and is having four children. She is in custody for the last more than 2½ months. The daughter of the present petitioner, who is also accused in this case, has been released on regular bail vide order dated 30.11.2015.

Learned counsel for the respondent-State has not disputed the role, custody period undergone by the petitioner as well as the factum of release of co-accused Neetu but opposes grant of bail as Sections 148 and 149 IPC have been invoked and the petitioner's presence at the place of occurrence has also been affirmed.

Heard the arguments of learned counsel for the parties and have also perused the allegations in the FIR.

Keeping in view the submissions made by learned counsel for the petitioner; the fact that only the petitioner has been shown to be armed with *knife* but the said *knife* was not used by her; it has also not been disputed that earlier a complaint was made by daughter of the petitioner against the complainant party in the year, 2009 because of which the complainant party was having grudge in the mind; moreover the petitioner is behind the bars for the last more than 2½ months and trial may take long time to conclude; no useful purpose would be served by keeping her in custody and her co-accused has also been released on regular bail, the present petition is allowed and the petitioner, namely, Ramwati is directed to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court.

15.12.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE