

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

CRM-M No.18216 of 2017 (O&M)

Date of decision: 25th May, 2017

Sukhvinder Devi

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Arvind Singh, Advocate for
Mr. Parveen Sharma, Advocate for the petitioner.
Mr. Munish Sharma, Asstt. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Sukhvinder Devi in this regular bail application under Section 439 Cr.P.C. in case bearing FIR No.439 dated 04.11.2016 registered at Police Station Sadar Sonapat under Sections 148/149/302/307/506/120-B IPC and Section 27 of the Arms Act, are that on account of inter-family dispute between the complainant side and the accused on 04.11.2016 a fight had ensued between the two groups over return of money worth Rs.10.00 lacs and at that point of time complainant party went to the house of the accused where Babita, Phool Kunwar, Narinder alias Sonu, Jai Kumar, present petitioner Sukhwinder Devi and 3-4 other persons were present who were armed with gun, pistol and sharp edged weapons and at that point of time

Phool Kunwar who was armed with a pistol fired at the complainant side hitting Rajbir and Devinder alias Banti leading to their deaths.

Contentions of the learned counsel representing the petitioner Mr. Arvind Singh, Advocate are that no role is attributed to the petitioner Sukhvinder Devi who is in custody since 05.11.2016 and that it was subsequently at a belated stage a role has been assigned to her, which in itself is suggestive of material improvements that have come about in roping the entire family, as the petitioner is a young lady with two minor children and the very allegations contained in the FIR do not bring about any specific role against her.

On behalf of the State, Mr. Munish Sharma, Asstt. Advocate General, Haryana has stoutly opposed grant of bail to the petitioner on the grounds of seriousness of the allegations and heinousness of the offence though has very fairly conceded that it was subsequently during the course of investigation after one day it has come about that the petitioner was instrumental in handing over the pistol to the main accused.

Appreciating the submissions, a bare look at the FIR does not attract any specific role to the petitioner in commission of the offence and in the light of allegations made in the FIR it is the complainant side which has gone to the house of the accused and therefore a debatable issue has arisen over the very question of exercise of right to self-defence being a young lady with two minor children, together with the fact that

investigation and trial will take a long time to conclude, impels this Court to allow the prayer made. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Sonapat.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

May 25, 2017

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No