

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-18251 of 2017
Date of Decision: 15.09.2017

Robina

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.352 dated 28.10.2016 registered for offences punishable under Sections 302 read with Section 120-B of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station Barwala, District Hisar.

Heard.

Learned State counsel submits that Jai Pal @ Sonu was murdered on 27.10.2016, which was a blind murder and FIR was recorded on the statement of Satbir, his uncle. On 30.10.2016, Satbir got recorded his supplementary statement to the effect that his nephew (Jai Pal @ Sonu) had been murdered by Surender son of Pala Ram and Robina (petitioner) as Robina wanted to marry Jai Pal @ Sonu, but he (Jai Pal @ Sonu) refused to marry her. The accused in their disclosure statements have also admitted the fact of murdering Jai Pal @ Sonu.

Learned counsel for the petitioner submits that the petitioner

has been falsely implicated in this case. In fact, she was raped by Jai Pal @ Sonu and instead of taking any action, the police has falsely implicated her.

As per prosecution, only evidence against the petitioner at this stage is suspicion of complainant that she may have killed deceased-Jai Pal @ Sonu because of her strained relations with him. After completion of investigation, police has presented the challan against petitioner and trial is in progress.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Robina is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of her absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel her bail bond and surety bond and proceed to procure her presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) She shall not leave the country without the previous permission of the Court.

September 15, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No