

224

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

CRM-M-21640 of 2017

Date of decision: July 04, 2017

Lavisha

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Manish Soni, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

Petitioner seeks grant of regular bail in FIR No.487 dated 25.07.2015, under Sections 148, 149, 302, 201, 435, 365, 120-B of the Indian Penal Code, 1860 and Section 25, 54, 59 of the Arms Act, 1959, registered at Police Station Sadar Palwal, District Palwal. The petitioner was arrested on 28.07.2015 and is in jail since then.

Indeed the offences alleged against the petitioner are serious. However, it is admitted fact that there is no direct evidence against the petitioner. The prosecution relies on the mobile telephonic conversation. The nature of the evidence of conversation is such that it cannot be tampered with by anybody including the petitioner as the same is in the custody of the Court. Apart from that, the petitioner is a woman and is entitled to the benefit of Section 437 of Code of

Criminal Procedure, 1973. At any rate, since the evidence cannot be tampered with and the trial Court has recorded the evidence of large number of witnesses, the petitioner would be entitled to grant bail pending decision of the trial.

In that view of the matter, this petition is allowed. Petitioner is ordered to be released on bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. Petitioner shall not tamper, influence and threaten the prosecution witnesses and complainant as well.

(A.B. CHAUDHARI)
JUDGE

July 04, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No