

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

CRM-M-23188 of 2017

Date of Decision: 06 November, 2017

Babita Devi

..Petitioner

Versus

State of Haryana

...Respondent

CRM-M-31910 of 2017

Amit Kumar

..Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Parveen Sharma, Advocate
for the petitioner (in CRM-M-23188 of 2017).

Mr. Vikas Malik, Advocate
for the petitioner (in CRM-M-31910 of 2017)

Mr. Munish Sharma, AAG, Haryana.

FATEH DEEP SINGH, J.

Both these regular bail applications one by Babita Devi and another by Amit Kumar having arisen in the same very FIR are being taken up together.

The brief facts are that complainant Sachin has alleged that his mother Sunita and her two other sisters Babita Devi and Geeta on 04.11.2016 have got registered a deed regarding transfer of land in favour of two maternal uncles of the complainant and at that point of time it is alleged that Sunita/non-applicant demanded Rs.10 lacs earlier let out to Babita Devi and her husband Phool Kumar at which they were threatened

of elimination. It is subsequent thereupon, Babita Devi and her husband Phool Kumar asked the complainant side to come to their house at Sonapat to collect the money and when complainant along with his maternal uncles reached the house of the Babita Devi, around 2 p.m. husband of Babita Devi, Phool Kumar carrying a pistol, Narender armed with gun and pistol and other/non-applicants Jai Kanwar etc. armed with sharp edged weapons in consequence of criminal conspiracy earlier hatched between them assaulted the complainant side and it is alleged that accused Narender on exhortation of Phool Kumar gave firearm injuries while their co-accused assaulted the complainant side leading to deaths of Rajbir and Davinder @ Bunty maternal uncles of the complainant and injuries to others.

The contentions of the learned counsel for the petitioners that co-accused of the petitioners Sukhvinder Devi has been allowed regular bail by this Court vide orders dated 25.05.2017 and that in view of the principle of parity together with the fact that no specific role is attributed to the petitioners. Contending further that they are behind the bars since long time and trial is not likely to be concluded in near future has prayed for grant of bail to them.

The bail application is stoutly opposed by the learned State counsel on the grounds of heinousness of offence, seriousness of allegations and that two deaths have resulted by this act of the petitioner's side and that each of them have been attributed a role in the commission of offence.

Going through the submissions of the two sides, ruqa which is the initial document, first in point of time and carrying sanctity it was the petitioner Babita Devi in connivance with her husband/non-

applicant Phool Kumar who has invited the complainant side to their home for settling the money issue where they have hatched a conspiracy. It is the case of the prosecution in the light of the contentions raised before this Court that the disclosure statement of petitioner Babita Devi has led to recovery of blood stained clothes, iron rod used in the attack upon the complainant side from her conscious possession. Further more, as has been hotly debated by the learned State counsel on the disclosure statement of accused-petitioner/Amit @ Mita which is corroborated by the testimony of an eye-witness he has alleged to have given fist blows and kick blows to the complainant side during the course of occurrence and, thus, a specific role is attributed to him as well.

Keeping in view the seriousness of allegations and heinousness of offence where two lives have been lost over a money dispute and the fact that the case of the petitioner is distinguishable with that of his co-accused Sukhvinder Devi and, thus, no benefit can be taken from the same and that the apprehension of the State that if allowed bail the petitioners would certainly influence the witnesses and scuttle the fair trial, no ground to allow the present applications is made out.

Dismissed.

06 November, 2017

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**(FATEH DEEP SINGH)
JUDGE**

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No