

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

**CRM-M-24625 of 2017**  
**Date of Decision: 21.07.2017**

Seema

....Petitioner

**VERSUS**

State of Haryana

....Respondent

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Animesh Sharma, Advocate  
for the petitioner.

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**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.1044 dated 20.11.2016 registered for offences punishable under Sections 148, 149, 302 read with Section 120-B of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station Jhajjar, District Jhajjar.

Heard.

Notice of motion.

On asking of the court, Mr. Amrik Narwal, DAG, Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

As per case of prosecution, complainant alongwith his brother and sister-in-law was going to his home, when Neeraj, Narender, Chand son of Chander, Sunder, Satish, Satbir, Chand Ram, Seema (petitioner), Pritam, Chand son of Dharambir Brahmin alongwith one Bittu and his nephew

Vikas came there. Chand, son of Chander, Bittu Bhadani, Vikas, Satish and Satbir fired shots at Rajender, who died at the spot. A year before the incident, aforesaid persons have killed Anil, nephew of complainant.

Learned counsel for the petitioner submits that the petitioner has been named in this case because of enmity. No role in the occurrence except her presence at the spot has been attributed to her. However, very cleverly it has been mentioned in the FIR that she asked her co-accused to check as to whether Rajender was alive or not. The petitioner has given CCTV footage before the Court and also during investigation, which shows that she was not present at the spot, rather she was at her house at the relevant time. The trial Court asked her to prove this fact at an appropriate stage. The police after investigation has presented challan on 17.04.2017 and the trial is in progress.

Learned State counsel submits that the petitioner is named in the FIR and specific role has been attributed to her to the effect that she asked her co-accused to check as to whether Rajender had died or not. The CCTV footage and other evidence is a matter to be seen by the trial Court at the time of disposal of trial on merit.

Admittedly, there is enmity between the parties and a number of persons have been named in the FIR. The role of petitioner is that she was member of unlawful assembly which attacked and killed Rajender. However, there is nothing to show that the petitioner was armed with any weapon at the time of occurrence. Enmity of both parties was already there before the alleged occurrence. Petitioner has also come up with CCTV footage of her presence at her home at the time of occurrence, however, this fact will be seen by trial Court at appropriate stage of the case.

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-Seema 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.

**July 21, 2017**  
**jk**

**( SURINDER GUPTA )**  
**JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No