

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**CRM-M-38115 of 2016
Date of Decision: 18.4.2017**

Preeti

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr.Vikas Lochab, Advocate
for the petitioner.

Mr.Tanuj Sharma, AAG, Haryana.

Mr.Rakesh Dhiman, Advocate,
for the complainant.

SURINDER GUPTA, J.(Oral)

Heard.

This is the second bail application filed under Section 439 Code of Criminal Procedure by Preeti daughter of Naresh Kumar for grant of regular bail to the petitioner in case FIR No.53 dated 6.5.2016 registered for the offences punishable under Sections 302, 120-B, 201 read with Section 34 IPC, Section 25 of the Arms Act and Section 3 of Scheduled Caste and Scheduled Tribes Act at Police Station Linepaar, Bahadurgarh, Jhajjar.

Heard.

Learned State counsel on instructions from ASI Rattan Singh, submits that the challan has been presented in this case and, 10 out of total number of 19 witnesses have already been examined.

Describing the role of the petitioner, counsel for the petitioner

submits that the co-accused have made disclosure statements that the

petitioner stated to them about her teasing by the deceased. The other evidence is of her constant telephonic conversation with the deceased over a long period prior to the occurrence. She has been challaned for the conspiracy with the co-accused to murder the deceased.

Learned counsel for the petitioner submits that admittedly, the petitioner was not present at the time of occurrence and had not caused any injury to the deceased. Even if she had intimacy with the deceased and held conversation with him on her mobile several times prior to the occurrence is not an indicator of her entering into a conspiracy with her brother and his friends.

The petitioner was arrested in this case on 9.5.2016. Her role in the occurrence is to be ascertained on the basis of the evidence before the trial court. There is nothing on record to show that she was present at the time of the occurrence. As to what inference is to be drawn on the basis of the evidence on record which includes the disclosure statement and the record of her telephonic conversation is a fact to be seen by the trial court.

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-Preeti 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.

April 18, 2017

Paritosh Kumar

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No

CRM-M-38115 of 2016

-4-

ASI Rattan Singh