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

CRM-M-6390 of 2017

Date of decision: April 18, 2017

Babita

.....Petitioner

Versus

State of Haryana

.....Respondent

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

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

Mr. Chetan Sharma, AAG Haryana.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

This is a second petition seeking grant of regular bail to the petitioner in FIR No.487 dated 25.07.2015, under Sections 148, 302, 201, 435, 365, 120-B read with Section 149 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Sadar Palwal, District Palwal. The petitioner was arrested on 04.11.2015 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

April 18, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No