

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-8727 of 2017

Date of Decision: 21.03.2017

Shabnam @ Shabbo

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Arvind Singh, Advocate
for the petitioner.

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.600 dated 01.11.2016 registered for offences punishable under Sections 148, 302, 307 and 323 read with Section 149 of Indian Penal Code (for short, "IPC") and 25, 27 and 30 of the Arms Act, at Police Station City, Sonipat, District Sonipat.

Heard.

Notice of motion.

On asking of the court, Ms. Neelam Kashyap, 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 version of the prosecution, occurrence took place on 31.10.2016 at about 07.30 p.m., when about 13 persons came to the house of complainant. Out of them, Sandeep @ Dimpi, Himanshu and Mohit fired at father of complainant, namely, Mahabir; Sanjay @ Sanju, Gaurav and

Saurab fired at Neetu, sister of complainant; Sandeep @ Dimpi, Shiva and Ankit fired at Ravinder; Mohit fired at Poonam, sister of complainant and Gaurav gave blow on her head with butt of double barrel gun.

Role attributed to the petitioner is that she was part of assembly which attacked the complainant and her family and she alongwith Gaurav, Meena, Jyoti, Anita, and Subhash caught Anup and gave him *danda* blows.

Learned counsel for the petitioner submits that the petitioner is married at Panipat for the last 17 years. She is a house-wife, having three children and has been falsely implicated by the complainant, to put pressure on accused party. He further submits that Anup, who has been attributed injuries by the petitioner, has nowhere stated in his statement under Section 161 Cr.P.C. recorded by the police that he was caused injuries by the petitioner. Even in his medical examination only one injury that too of swelling and complain of pain in left wrist was found and it is not possible that so many persons caused injuries with *dandas* and he has suffered only one injury.

Learned State counsel submits that the petitioner was member of unlawful assembly, which attacked the complainant and killed three persons from the side of complainant. She, however, admits that in his statement under Section 161 Cr.P.C., Anup has nowhere attributed any injury caused to him by the petitioner. He has submitted that the petitioner had raised *lalkara*, which led to the occurrence.

This fact is not denied that the petitioner is married at Panipat. Keeping in view allegation against her and the injury attributed to her, I find that it is a matter to be seen at the time of trial, as to what role she has played in commission of crime. No injury to deceased in this case or to any other person is attributed to her.

Without expressing any opinion on merits of the case but keeping in view facts and circumstances discussed above, the present petition is allowed. Petitioner-Shabnam @ Shabbo 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.

March 21, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No