

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

CRM-M No.14247 of 2017

Date of decision : 13.07.2018

Sharmista

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Vishvajit Bedi, Advocate for the petitioner.

Mr. Amit Mehta, Senior D. A. G., Punjab.

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DAYA CHAUDHARY, J. (Oral)

This petition has been moved by petitioner Sharmista under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to her in case FIR No.58 dated 24.10.2016 under Sections 302, 341, 34 of the Indian Penal Code, 1860 registered at Police Station Mullanpur, Distt. SAS Nagar (Mohali) Punjab.

Learned counsel for the petitioner submits that the petitioner has been falsely been implicated in the case, whereas she is not involved. As per the allegations in the FIR and the statement of Narbada (PW-5), the deceased died due to injuries inflicted by Neela and Poonam. Learned counsel further submits that initially, accused Anil Kumar alias Neela and Poonam were declared innocent and they were kept in column No.2. Subsequently, they both were summoned on moving application by the

prosecution under Section 319 Cr.P.C. Learned counsel also submits that out of total 18 prosecution witnesses, only 6 witnesses have been examined and the petitioner has undergone custody of 1 year and 9 months. After summoning of two additional accused, it would be a *de novo* trial and it will take time to conclude and no purpose would be served by keeping the petitioner in custody.

Learned State counsel has not disputed the factum of custody period undergone by the petitioner as well as allowing application under Section 319 Cr.P.C. by the trial Court and also the fact that accused Anil alias Neela and Poonam have already been released on interim bail.

Accordingly, by considering the custody period undergone by the petitioner, stage of the trial and also the fact that co-accused namely Anil alias Neela and Poonam have been released on interim bail, the petitioner is also a woman and having small children, the present petition is allowed and she is directed to be released on regular bail to the satisfaction of the trial Court.

13.07.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No