

211.

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

CRM-M-29056-2018

Date of decision:27.08.2018.

SAHAB KAUR & ANR

... Petitioners

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

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

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioners-Sahab Kaur and Nand Kishore in case FIR No.326 dated 12.03.2017 registered under Sections 302, 307, 419, 420, 472 read with Section 120-B IPC at Police Station Sadar Gurugram, District Gurugram.

Learned counsel for the petitioners has argued that the petitioners, who are old persons aged about 60 and 66 years respectively, have been falsely implicated and except the allegation of criminal conspiracy, nothing has been attributed to them. In fact, the whole family of the petitioners have been made the accused with an intention to harass and to create pressure upon the petitioners.

Petitioners are in custody since 07.01.2018 and they have been named for the reasons that their sons Manish and Kaushal are accused in various cases registered against them. Merely because the petitioners used to visit their sons in jail does not mean that they have conspired in the present case.

Learned State counsel, on instructions from ASI Vikas Kumar, has argued that no doubt at the time of occurrence, the petitioners were not present at the scene of occurrence, but as the sons of the petitioners have a grudge against Joni Hans, the petitioners have conspired and in an attempt to kill Joni Hans, they have killed Sudesh Devi who intervened in the matter during fight.

I have heard learned counsel for the parties.

Except the allegation of criminal conspiracy, no other evidence has been brought to the notice of this Court. The visit of the petitioners to the jail to meet their sons cannot be considered as conspiracy. Moreover, at the time of occurrence, petitioners were not present at the scene of occurrence. Challan has been presented and the trial in the case will take sufficient long time. Petitioners are old persons. Their culpability is yet to be established during the trial.

Accordingly, present petition is allowed and petitioners are ordered to be admitted on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

It is made clear that the petitioners shall not extend any threat or prevail upon the witnesses directly or indirectly in any manner. In case it is found that they are pressuring upon the witnesses, the prosecution shall be at liberty to seek their bail.

expression on the merits of the case as it is for the limited purpose of consideration for the regular bail.

(HARI PAL VERMA)
JUDGE

27.08.2018
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No