

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

CRM-M-38044-2018 (O&M)

Date of Decision:- 7.9.2018

Sapna

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Surinder Dagar, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

GURVINDER SINGH GILL, J. (Oral)

Petitioner Sapna has filed this petition seeking grant of regular bail in respect of a case registered against her vide FIR No.256 dated 20.6.2018 under Sections 323, 307, 34 IPC and Section 25 of the Arms Act, Police Station Sector 9-A, Gurugram.

The FIR was registered at the instance of Sunil Kataria who has alleged that on 20.6.2018 when he came out of his house in the morning then the petitioner also came there on a scooty and asked him as to why he was standing in the way and started abusing him and quarreled with him. However, they were separated by the residents of the locality. It is alleged that later on when the complainant along with his friend was standing behind temple of CRP Building then the petitioner along with her husband

came there and gave him slaps and fist blows. It is also alleged that petitioner-Sapna took out a country made pistol from the pocket of her trouser and fired at him but did not hit the complainant. It is further alleged that subsequently another boy namely Bhoora came there and also started abusing him and later snatched the country made pistol from the petitioner and ran away from the spot.

Notice of this petition was issued to the State.

Learned State counsel has opposed the present petition.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and that even as per the FIR, although the petitioner is stated to have fired from a country made pistol but none is stated to have been injured from her shot. It has further been stated that in fact the allegations as per the FIR that after the petitioner had fired from the pistol, one Bhoora came there and snatched the pistol and ran away from the spot do not appeal to reason.

On the other hand, learned State counsel has submitted that the intention to kill the complainant is evident from the fact that a shot had been fired by aiming at the complainant.

Having heard the learned counsel for the parties, I find that it is a case where no person is stated to have been injured with the alleged fire arm shot. The petitioner has been behind bars since the last more than 2 months. Challan has already been presented. In these circumstances and also while bearing in mind that the petitioner is a lady, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars as the trial in its normal course is likely to take some time for its

conclusion. The petition, as such, is accepted. Petitioner Sapna is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, Gurugram.

September 7, 2018

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No