

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

**Criminal Misc. No. M-41806 of 2018
Date of decision: 30.11.2018**

Urmila

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Aman Pal, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana
for the respondent-State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioner-Urmila under Section 439 Cr.P.C. for grant of regular bail to her in case FIR No.265 dated 15.10.2017 registered under Sections 148, 149, 324, 307, 302 read with Section 120-B IPC and Section 25/54/59 of the Arms Act, 1959 at Police Station Barauda, District Sonipat.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas she was not involved. There was an old enmity between the family of petitioner and complainant and the only allegations against the petitioner are relating to Section 120-B IPC. There was no direct evidence of conspiracy as no active role has been played by the petitioner. Learned counsel further submits that the petitioner has been implicated in the case on the basis of disclosure statement, which has no evidentiary value. Learned counsel also submits that role of the petitioner is at par with co-accused, Virender, who is her husband and he

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has been exonerated by the Investigating Agency. The petitioner is in custody since 17.10.2017. Co-accused of the petitioner, namely, Vicky, has been released on regular bail by this Court vide order dated 06.09.2018 passed in Criminal Misc. No. M-20077 of 2018 whereas the petitioner is on better footing viz-a-viz co-accused Vicky. Learned counsel also submits that out of total 26 prosecution witnesses, only seven witnesses have been examined.

Learned State counsel has not disputed the custody period; stage of trial; release of co-accused-Vicky on regular bail and the fact that the petitioner has been implicated because of Section 120-B IPC.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

In view of the submissions made by learned counsel for the petitioner that the petitioner is in custody since 17.10.2017; the case of the petitioner is at par with co-accused-Virender; the trial may take time to conclude as out of total 26 prosecution witnesses, only seven witnesses have been examined, the present petition is allowed and the petitioner (Urmila) is directed to be released on regular bail subject to her furnishing bail/surety bonds to the satisfaction of the trial Court.

30.11.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes