

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

Criminal Misc. No.M- 583 of 2018(O&M)

Date of Decision: March 09 , 2018.

Meena Rathi

..... PETITIONER (s)

Versus

State of Haryana

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. S.S.Dinarpur, Advocate and
Mr. Subhash Godara, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Manish Soni, Advocate
for the complainant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.457 dated 12.08.2016 under Sections 307/354A/509/323/325/342/506/34 IPC (Sections 354A/509/307 IPC were added subsequently), registered at Police Station Civil Line, Gurugram.

It is submitted that the abovesaid FIR was initially registered under Sections 323/342/506/34 IPC. The petitioner was afforded the concession of bail on 21.08.2016 (Annexure P3). Thereafter, Section 325 IPC was added and the petitioner was again afforded the concession of anticipatory bail by this Court on

20.09.2016 in CRM No.M-33326 of 2016 (Annexure P4). Subsequently, after nearly one year, the offences punishable under Sections 354A/509/307 IPC were added on 22.08.2017.

Learned counsel for the petitioner argues that the present is a case of version and cross-version. The petitioner also received injuries as reflected in the medico-legal report (Annexure P8). It is submitted that FIR No.456 dated 12.08.2016, under Sections 323/324/325/452 IPC was registered by the petitioner. The same was however cancelled by the police authorities in an illegal manner. The petitioner filed a protest petition challenging the cancellation report and the accused in the said matter have been summoned by the learned court. Moreover, the complainant in this case has since testified before the learned trial court. The petitioner, it is submitted, has been in custody since 28.11.2017 and she undertakes not to misuse the concession of bail, if afforded to her. It is thus prayed that this petition be allowed.

Photocopy of the statement of the complainant (PW1) recorded before the learned trial court, produced in Court today, is taken on record subject to just exceptions.

Learned counsel for the complainant as well as the State have opposed this petition while submitting that there are specific allegations against the petitioner. Injuries dangerous to life have been inflicted by the petitioner and her husband upon the victim. It is however not denied that the complainant/victim in this case has since deposed before the learned trial court.

Learned counsel for the State, on instructions from SI Madan Kumar, verifies that the FIR in this case was initially registered under Sections

323/342/506/34 IPC, thereafter Section 325 IPC was added and on 29.08.2017 Sections 354A/509/307 IPC were added after seeking opinion from the board of doctors to the effect that cumulatively all the injuries received by the victim could be dangerous to life. Learned counsel for the State, on instructions from SI Madan Kumar, further confirms that the petitioner, at this stage, is not involved in any other criminal case. Eighteen (18) prosecution witnesses are yet to be examined. Trial in this case is not likely to conclude in the near future.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that she is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to her furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is made clear that the petitioner shall not directly or indirectly try to contact the complainant/injured or any of her family members or witnesses in this case. Any such infraction on the part of the petitioner may entail cancellation of her bail.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

March 09 , 2018.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No