

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

**1. CRM-M-20598-2018 [O&M]**  
**Date of Decision : April 05, 2019**

Babita Devi

.... Petitioner

Versus

State of Haryana

.... Respondent

**2. CRM-M-30225-2018 [O&M]**

Sachin

.... Petitioner

Versus

State of Haryana and another

.... Respondents

**CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.**

Argued by Mr. J.S.Bedi, Senior Advocate,  
with Mr. Sunil Sihag, Advocate,  
for the petitioner in CRM-M-20598-2018

Mr. Ashish Sanghi, DAG, Haryana,  
for respondent-State.

Mr. Pawan Kumar Hooda, Advocate,  
for the Complainant / petitioner  
in CRM-M-30225-2018

Mr. U.K. Agnihotri, Advocate,  
for respondent No.2 in CRM-M-30225-2018

**SHEKHER DHAWAN, J.**

Petitioner - Babita Devi has filed CRM-M-20598-2018 under

Section 439 of the Code of Criminal Procedure is for grant of regular bail in case bearing FIR No. 439 dated 4.11.2016 under Sections 148, 149, 302, 307, 506 and 120-B IPC and Section 27/54/59 of Arms Act registered at Police Station Sadar, Sonapat.

2. Complainant-Sachin has filed CRM-M-30225-2018 under Section 439(2) seeking cancellation of bail granted by this Court vide orders dated 8.5.2018 in the above mentioned FIR.

3. Since both these petitions arise out of the same FIR, they are taken up together and are being disposed of by this common order.

4. Facts relevant for the purpose of decision of the present petition; that complainant – Sachin had alleged that his mother Sunita and her two other sisters, namely, Babita Devi and Geeta on 4.11.2016 had got registered a deed regarding transfer of land in favour of two maternal uncles of the complainant and at that time, Sunita, non-applicant demanded Rs.10 lacs earlier let out to Babita Devi and her husband Phool Kumar at which they were threatened of elimination. Thereafter Babita Devi and her husband Phool Kumar asked the complainant side to come to their house at Sonapat to collect the money and when complainant along with his maternal uncles came to the house of the Babita Devi, at about 2 p.m. Phool Kumar, husband of Babita Devi, armed a pistol, Narender armed with gun and pistol and other/non-applicants Jai Kanwar etc. armed with sharp edged weapons in furtherance of criminal conspiracy hatched between them assaulted the complainant side. More so, accused Narender on exhortation of Phool Kumar gave firearm injuries while their co-accused assaulted the complainant side leading to deaths of Rajbir and Davinder alias Bunty, maternal uncles of the complainant, and caused

injuries to others.

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5. At the time of arguments, learned senior counsel for petitioner – Babita Devi contended that co-accused of the petitioner, namely, Sukhvinder Devi has been allowed regular bail by this Court vide orders dated 25.5.2017 passed in CRM-M-18216-2017 (Annexure P/2); Amit Kumar alias Meeta vide orders dated 08.05.2018 passed in CRM-M-16610-2018. Co-accused Narender was also granted bail by learned Additional Sessions Judge, Sonapat vide orders dated 20.07.2018.

6. Learned State counsel contended that the bail application of petitioner Babita Devi has already been dismissed by this Court on merits vide orders dated 6.11.2017 passed in CRM-M-23188 of 2017. So, there is no ground for releasing the petitioner on bail.

7. Learned senior counsel for the petitioner fairly conceded that the earlier bail application of the petitioner bearing No. CRM-M-23188 of 2017 was dismissed alongwith another bail application bearing No. CRM-M-31910-2017 filed by co-accused Amit Kumar. Said Amit Kumar has been granted bail by this Court vide orders dated 08.05.2018. He further contended that the alleged occurrence had taken place on 4.11.2016 and Babita Devi, petitioner is in custody since 5.11.2016 in this case. The main witnesses namely, Sachin, Narender and Sumit have already been examined in this case. So, the petitioner be also granted the concession of bail.

8. Having considered the submissions made by learned counsel for the parties and appraisal of record of this case and the above facts that petitioner Babita is in custody since 5.11.2016, co-accused of the

petitioner namely Sukhvinder Devi, Amit Kumar alias Meeta and Narender have already been granted bail and the material witnesses of this case stood examined before the trial Court, and there is no other case registered against the petitioner and trial of this case still to take some more time, no purpose would be served by keeping the petitioner behind the bars.

9. Resultantly, the present petition, bearing **CRM-M-20598-2018** stands allowed and petitioner, Babita Devi is ordered to be released on regular bail subject to her furnishing bail and surety bonds to the satisfaction of the trial Court concerned/Duty Magistrate.

10. Any observation made herein above shall have no bearing on the merits of the case.

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11. In view of the above, no ground for cancellation of bail granted to Amit Kumar alias Meeta by this Court is made out.

12. Resultantly, the present petition stands dismissed.

**(SHEKHER DHAWAN)**  
**JUDGE**

**April 05, 2019**

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| Whether speaking/reasoned? : | Yes |
| Whether reportable? :        | Yes |