

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

**Criminal Misc. No. M-27221 of 2018
Date of decision: 08.03.2019**

Manisha @ Moshina

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Munfaid Khan, Advocate
for the petitioner.

Mr. R.S. Doon, AAG, Haryana
for the respondent -State.

None for the complainant.

Daya Chaudhary, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case FIR No.868 dated 29.09.2017 registered under Section 302 read with Sections 120-B and 34 IPC and Section 25 of the Arms Act at Police Station Jhajjar during pendency of the trial.

Learned counsel for the petitioner submits that only role attributed to the petitioner is that she called the main accused-Lukman, who fired shot, which resulted into death of deceased. Learned counsel further submits that the husband of the petitioner is also accused and he has been released on bail. The petitioner is 30 years of age and she is having three minor children in the age group of 4-10 years. Learned counsel also submits that the petitioner has been implicated in the case with the aid of Section

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120-B IPC but no direct evidence has been collected to show her involvement. Learned counsel also submits that out of total 18 prosecution witnesses, 12 witnesses including the material witnesses have been examined. Trial may take time to conclude. The petitioner is in custody since 01.10.2017.

Learned State counsel has not disputed the custody period; release of co-accused, who is her husband, on regular bail by this Court and also the fact having three minor children as well as age of the petitioner.

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.

By considering that the petitioner is a women of 30 years of age and is in custody since 01.10.2017; she is having three minor children in the age group of 4-10 years; she has been implicated in the case with the aid of Section 120-B IPC; out of total 18 prosecution witnesses, 12 witnesses including the material witnesses have been examined; trial may take time to conclude; no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Manisha @ Moshina) is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

08.03.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned Yes

Whether Reportable No