

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

(I)

CRM-M-44619-2018 (O&M)
Date of Decision:-20.2.2019

Rekha @ Anjali

... Petitioner

Versus

State of Haryana

... Respondent

(II)

CRM-M-46755-2018 (O&M)

Tanu @ Guddi

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Garima Sharma, Advocate,
for the petitioner in CRM-M-44619-2018.

Mr. Gurmohan Singh Bedi, Advocate,
for the petitioner in CRM-M-46755-2018.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the aforesaid two petitions filed on behalf of petitioners Rekha @ Anjali and Tanu @ Guddi seeking grant of regular bail in respect of a case registered vide FIR No.130 dated 20.3.2017 at Police Station Rajendra Park, District Gurugram under Sections 302, 364, 201, 120-B and 34 of Indian Penal Code and Section 25 of Arms Act.

2. The FIR was registered pursuant to receipt of information from Cyber Cell to the effect that it had intercepted a conversation between a lady and a male caller, wherein the lady was being informed that “we have kidnapped a man and we are in swift car” upon which the lady replied that “in case the kidnapped person refuses to give money then he be killed”. Pursuant to receipt of the said information barricading was held and a swift car was apprehended. The driver of the car tried to run away but was apprehended and who disclosed his name as Gaurav Rohilla. He was found in possession of a country made pistol. Two other boys travelling in the car disclosed their names as Mahesh and Sachin @ Chinnu, who were also found to be carrying pistols as well as live cartridges.
3. Upon search of boot (dickey) of the car, a dead-body of a male person was found. Upon inquiry, the aforesaid three persons namely Gaurav Rohilla, Mahesh and Sachin @ Chinnu disclosed that the dead-body is of Lal Saini of Hisar and that the car also belongs to him and that they had brought the dead-body for its disposal in some isolated area.
4. The learned counsel for the petitioners have submitted that the petitioners are neither named in the FIR nor were present at the spot and are sought to be implicated solely on the basis of some telephonic conversation between a male person and a lady to the effect that the kidnapped person be killed in case he does not give money, whereas there is no credible evidence to connect the petitioners with the alleged murder of Lal Saini.
5. Opposing the petitions, the learned State counsel has submitted that call details have been collected, which indicates that there have been several calls between the three persons, who were found in the car, as well as the

petitioners. The learned State counsel has further informed that infact one of the telephone number was found to be issued in the name of husband of petitioner Rekha @ Anjali. It has further been informed that the very fact that the petitioners earlier refused to give their voice samples shows their complicity and no case for grant of bail is made out.

6. Having regard to the facts and circumstances of the case and more particularly the fact that the petitioners have been behind bars since the last almost two years and that as on date only 8 out of the 25 cited prosecution witnesses have been examined and that the trial in its normal course is likely to take some time for its conclusion, in my opinion, no useful purpose will be served by detaining the petitioners behind bars any further. Further, the petitioners being ladies also calls for taking a lenient view. The petitions, as such, are accepted. The petitioners Rekha @ Anjali and Tanu @ Guddi are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

20.2.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No