

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

**CRM-M No. 44117 of 2019
Date of Decision:-23.10.2019**

Pooja @ Pari

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Bhisham Kumar Majoka, Advocate
for the petitioner.

Mr. Nischal Mann, DAG Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner-Pooja @ Pari has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.192 dated 06.7.2019, under Sections 147, 148, 149, 285, 307, 506 and 120-B IPC and Section 25 of Arms Act (Sections 307 and 120-B IPC were added later on), registered at Police Station Sector 65, Gurugram, District Gurugram. The petitioner is in custody since her arrest on 28.8.2019.

The prosecution case is that on 05.07.2019 when the complainant along with his family members was sleeping in his house, at about 2.00 am, he heard the sound of gun fire on which he and his family members woke up. In order to kill him and his family members, 8-10 shots

were fired on them. On checking the CCTV footage, he saw that Anil in the vehicle bearing registration No.HR-26-DC-0057 which belonged to his uncle Sukhbir Singh, who (Anil), along with 6-7 persons including one lady came and in order to kill him and his family members, fired shots upon them and thereafter fled away from the spot.

Learned counsel for the petitioner contends that admittedly the case of the prosecution is that nephew of the accused Sukhbir Singh, namely, Anil alongwith 6-7 persons went to the house of the complainant in the vehicle owned by the Sukhbir Singh and fired 8-10 gun shots upon the said house. He submits that no person was injured in the said occurrence and the petitioner, who has not been specifically named in the FIR, was not involved in this incident. He submits that the petitioner, who is a lady, has been indicted in the case only on the disclosure statement of co-accused Mohit and the said statement is not admissible in evidence. No injury has been attributed upon the petitioner. He submits that the investigation of the case is complete as final report stands filed on 02.9.2019. He further submits that the recovery of weapons has already been effected from co-accused Anil and Mohit. He further submits that co-accused Sukhbir @ Sukkan has already been granted concession of regular bail by this Court vide order dated 11.9.2019 passed in CRM-M-32183-2019.

On the other hand, learned State counsel assisted by ASI Rohtash Singh has opposed the bail application. However, it is not disputed that after completion of investigation, the challan in the case was filed on 02.9.2019 and the weapons used in the crime have already been recovered

from co-accused Anil and Mohit.

Considering the above background and the fact that the trial is likely to take some time, further detention of the petitioner, who is a lady, may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Gurugram.

The petition is allowed.

October 23, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No