

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7869-2020

Date of Decision: 16.03.2020

Roshni Devi

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sarfraj Hussain, Advocate for the petitioner.
Ms. Tanushree Gupta, DAG, Haryana.
Mr. Deepender Singh, Advocate
for the complainant.

...

Manoj Bajaj, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.62 dated 18.07.2018, under Sections 302, 34 and 506 IPC, 1860 and Section 25 Arms Act, 1959, registered at Police Station GRP Gurgaon, District GRP Ambala Cantt. He apprehended his arrest at the hands of police in the above said FIR.

Learned counsel for the petitioner contends that the complainant has falsely indicted the petitioner, who was named in the FIR, however, after investigation, she was found innocent. According to him, the petitioner was summoned under Section 319 Cr.P.C. by the trial Court vide order dated 08.01.2020. (Annexure P-3). Learned counsel contends that the petitioner is no more required for investigation and, therefore, she deserves the concession of pre-arrest bail.

Notice of motion was issued on 24.02.2020.

Learned State counsel assisted by learned counsel for the complainant has opposed the prayer on the ground that the petitioner was not only named in the FIR, but she was armed with a sword as well.

According to her, the assailants were aware that the victim was standing at a particular place to receive his school going child and the said occurrence was witnessed by the complainant (brother of the victim). According to her, the sufficient evidence has appeared before the trial Court, whereupon the Court has summoned her as an additional accused. It is prayed that the petitioner does not deserve the extra ordinary concession of anticipatory bail.

After hearing the learned counsel for the parties, this Court finds that the occurrence took place on 18.07.2018, when the petitioner along with other assailants had committed the murder of Mahesh Yadav. It is specifically mentioned in the FIR that the petitioner was accompanied by her sons, namely, Devendera and Rajesh Durgo @ Binty and upon exhortation, the assailants armed with firearms opened fire at the brother of the complainant. It may be noticed here that previously on 15.07.2018, an altercation had taken place between the assailants and the victim and complaint in that regard was given at the police station. However, no action was taken upon the same.

Considering the nature of the allegations and the seriousness of the offence, this Court is not inclined to extend the extra ordinary relief of pre-arrest bail to the petitioner, as alternatively she can submit herself before the Court and seek regular bail.

The petition is dismissed.

16.03.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE