

CRM-M-21639-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CRM-M-21639-2020

Date of Decision: August 7th, 2020

Mahkan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present Mr. J.S. Hooda, Advocate for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

Mr. Ravi Malik, Advocate for the complainant.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.239, dated 12.05.2020, registered at Police Station Cam Palwal, District Palwal, under Sections 148, 149, 307, 323, 506 of the Indian Penal Code and Section 27 of Arms Act, 1959.

It is the contention of the learned counsel for the petitioner that the petitioner is a 60 years old lady and has been arrested in this case on 13.05.2020. He, with reference to the FIR, states that except for she being present at the spot where the occurrence had taken place, no other active role has been attributed to her. Nothing has been mentioned with regard to any weapon being in her possession at the time of occurrence. He, therefore, prays that the petitioner be granted the concession of bail.

On the other hand, learned counsel for the State as well as counsel for the complainant contend that the dispute was with regard to the blocking of the passage where the petitioner was getting a wall erected and for this reason, the fight had taken place between the neighbours. Assertion has also been made that the petitioner and other persons were armed and have used guns and fired shots on the complainant party. Counsel for the State submits that empty cartridges were also recovered from the spot. They, therefore, contend that the petitioner be not granted the concession of bail.

I have considered the submissions made by the learned counsel for the parties.

Keeping in view the fact that the petitioner is although named in the FIR but no other active role has been attributed to her nor is she specified to have been armed with any weapon or used it in the occurrence apart from the fact that she is a 60 years old lady, this criminal miscellaneous petition is allowed. Petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Palwal.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

August 7th, 2020
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No