

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

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**(1) CRM-M-21754-2020(O&M)
Date of Order:16.10.2020**

KITABO AND ANOTHER

..Petitioners

Versus

STATE OF HARYANA

..Respondent

(2) CRM-M-26731-2020 (O&M)

MOHIT @ GUNGA

...Petitioner

versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sunny Dhull, Advocate,
for the petitioners (in CRM-M-21754-2020)

Mr. Aditya Sanghi, Advocate
for the petitioner (in CRM-M-26731-2020).

Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J(Oral)

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

By this order, CRM-M-21754-2020 and CRM-M-26731-2020 shall stand disposed of.

The petitioners-Kitabo wife of Late Ram Mehar, Aarti wife of Bhupender (in CRM-M-21754-2020) and Mohit @ Gunga son of Ramphal (in CRM-M-26731-2020) pray for grant of bail pending trial in a criminal case arising from FIR No.463, dated 16.12.2019, registered under Section 302/148/149120-B IPC and Section 25 of the Arms Act, 1959, at Police Station Narnaund, District Hisar.

On 28.08.2020, a Coordinate Bench has passed the following order:-

CRM NO. 20873 OF 2020

This is an application for pre-poning the main case which is fixed for 05.11.2020.

For the reasons stated in the application, same is allowed and main case is preponed and taken up on Board for hearing today itself.

MAIN CASE

Learned counsel for the petitioners contends that the petitioners are widow mother and sister of the prime accused Jai Bhagwan, who was named in the FIR. He is attributed with the role of firing gun shot which resulted into murder of one Rahul. Resultantly, Jai Bhagwan was arrested and has been in custody ever since registration of FIR. However, neither of the petitioners were either present at the scene of occurrence nor otherwise named in the FIR nor any role has been attributed to them. After a gap of about 15 days, belated supplementary statement of father of the deceased Rahul was recorded, wherein it has been alleged that accused Jai Bhagwan had discussed his murder plans with his mother and sister. Basis thereof, both the petitioners (mother and sister) were arrested and have been behind the bars since 09.01.2020. Currently, the trial in the present case is held up due to pandemic scenario despite the fact that challan has already been filed.

Learned State counsel seeks time to assist the Court after getting instructions qua the said submissions. Adjourned to 28.09.2020."

Learned counsel for the petitioners contends that the petitioners are sought to be indicted as an accused on the basis of supplementary statement of the first informant recorded after a delay of 21 days from the date of registration of the FIR. They further submit that the petitioners have been falsely implicated.

Sh. Chetan Sharma, Assistant Advocate General, Haryana, has contended that the petitioners have conspired with the other accused.

The petitioners-Kitabo wife of Late Ram Mehar, Aarti wife of Bhupender, are in detention from 09.01.2020 whereas the petitioner Mohit

@ Gunga is in detention from 26.01.2020.

On completion of the investigation, the challan has been presented, however, charges are yet to be framed. The conclusion of the trial is likely to take time.

Without commenting on the merits of the case and keeping in view the fact that the petitioners-Kitabo wife of Late Ram Mehar, Aarti wife of Bhupender, are in detention from 09.01.2020 and whereas the petitioner-Mohit @ Gunga is in detention from 26.01.2020 and conclusion of the trial is likely to take time, the petitioners are directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly, the present petitions are allowed with the aforesaid directions.

October 16, 2020
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No