

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.M-25343 of 2020

Date of Decision: September 21, 2020

Shamshida @ Sanjida

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Manoj Pundir, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Farukh Abdullah, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.47 dated 28.02.2020, under Sections 304 read with Section 34 IPC, registered at Police Station, Sanoli, District Panipat. The petitioner is in custody since her arrest on 29.02.2020.

As per the allegations in the FIR, on 27.02.2020, a message was received from control room, Panipat that a girl had been killed in village Rana Majra. The police party reached the village, where Ruksana wife of Tayyab met them and got her statement recorded, wherein it was alleged that she was a resident of village Babupura. She had come to the house of her nephew Bilal to attend a *fete*. On 27.02.2020, Sanjida mother-in-law of Bilal, Asmeen wife of Bilal and Aksha daughter of Bilal had also arrived.

Bilal and his wife Asmeen were having a matrimonial dispute. At 7.00/7.30

p.m., Sanjida was taking Asmeen and Aksha with her for Sarorpur, District Meerut, when Bilal objected and asked as to why she was taking his wife and daughter along with her. An altercation took place between Bilal, his wife and mother-in-law. All of a sudden, Sanjida threw Aksha after taking her from Asmeen towards Bilal. The child fell on the floor, Adisha grandmother of Aksha took her to the doctor in the village, who referred her to a higher institution. Issar, brother of Bilal, was taking Aksha from the village towards Panipat, when the child succumbed to the injuries on the way. Sister of Bilal, namely, Khaliya was also present at the spot. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that as there was a matrimonial dispute going on between her daughter Asmeen and the husband, namely, Bilal, she visited their house and when her daughter with her child, namely, Aksha prepared to accompany her, a scuffle took place and in that, the child fell on ground and died. He submits that in the said occurrence, the parents of the victim have also been made an accused, who were released on bail vide order dated 1.6.2019 passed by the Additional Sessions Judge, Panipat. It is pointed out that as per prosecution itself, it all happened suddenly, and the petitioner has been falsely implicated in the case. According to him, as the investigation of the case is complete, therefore, her further custody may not be necessary. He has prayed for grant of bail to the petitioner, during the pendency of the trial.

The prayer for bail is opposed by the learned counsel for the complainant as well as the learned State counsel, assisted by ASI Rajbir Singh. It is contended that the child was thrown by the petitioner and as a result of the head injury, the child had died. However, it is not disputed that

the co-accused of the petitioner have been released on bail and the investigation of the case is complete.

Considering the above background, custody of the petitioner and the fact that the trial is likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread, this Court does not find any reason to decline the prayer. The petitioner after her arrest on 29.02.2020, is presently confined in judicial custody, therefore, her further detention behind the bars may not be justified.

Resultantly, 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, Panipat.

The petition is allowed.

September 21, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No