

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

115

CRM-M No.34206 of 2020

DATE OF DECISION : 28th OCTOBER, 2020

Beena

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present : Mr. Sushil Sheoran, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.95 dated 19.06.2020 registered under Sections 147, 148, 149, 323, 325 & 506 (Sections 307 & 302 IPC, added later on) at Police Station Bond Kalan, District Charkhi Dadri.

It is contended by learned counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is a widow and is having two sons. However, all the family members of the petitioner, including her, have been involved in this case. Still further, it is submitted that in the first instance the name of the petitioner was not even mentioned in the statement recorded immediately on the date of occurrence. However, in the statement recorded after about a month, the name of the petitioner has been introduced. Still further, it is submitted

that even if the case of the prosecution is taken as it is, still the petitioner is not attributed any injury to any person. The only role attributed to the petitioner is that she caught hold of Chandro Devi. However, even qua her, no injury is attributed to the petitioner. It is also submitted that it is a case of version and cross-version, in which some persons from the side of the petitioner have also suffered injuries, which are supported by the evidence. To create pressure, an effort has been made to involve maximum number of person from the side of the petitioner. Hence, the name of the petitioner has been wrongly introduced in the matter. The counsel has also submitted that the petitioner would join the investigation. Hence, the petitioner deserves to be protected against her arrest.

Notice of motion.

Mr. Rupinder Singh Jhand, Addl. AG, Haryana, accepts notice on behalf of the State.

The learned State Counsel, being instructed by ASI Vikas, has submitted that the name of the petitioner is mentioned in the FIR. There are specific allegations against the petitioner. Therefore, the petitioner does not deserve to be protected against her arrest. However, it is not disputed that this is the case of version and cross-version. It is also not disputed that in the statement, made in the first instance, the name of the petitioner was not there and her name has been introduced after about a month; with the allegation that she caught hold of a lady from other side. The counsel for the State has also not pointed out any attribution of injury allegedly caused by the petitioner.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of her arrest, the petitioner shall be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of Arresting/Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

28th OCTOBER, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>