

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

**CRM-M-9096-2021 (O&M)
Date of decision : 22.04.2021**

Sunita

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Sant Lal Barwala, Advocate for the petitioner.

Mr. Gaurav Gulzar Singh Chauhan, AAG, Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.616 dated 23.08.2020 under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code, 1860 registered at Police Station HTM Hisar, District Hisar.

Learned counsel for the petitioner would contend that the first bail petition of the petitioner was dismissed as withdrawn vide order dated 14.12.2020. After withdrawal of the said petition, similarly situated co-accused has been granted regular bail by this Court vide order dated 16.02.2021 passed in CRM-M No.6121 of 2021. He would further contend that out of 19 accused, 14 accused have since been released on regular bail.

Learned counsel for the petitioner would further contend that out of 33

witnesses, none have been examined till date. It is further contented that the petitioner is not involved in any other case.

Status report has been filed by way of affidavit of Ms. Upasana, IPS, Deputy Superintendent of Police, Hisar wherein it has been stated that out of 19 accused, 14 have since been released on regular bail. Learned counsel for the State, on instructions from ASI Mange Ram, is not in a position to deny the fact that out of 33 witnesses, none have been examined till date and further that there is no other case pending against the petitioner. He is also not in a position to deny the fact that number of co-accused have since been granted bail either by this Court or by the Sessions Court.

Heard.

Keeping in view the custody of the petitioner since 23.08.2020 and also the fact that out of 19 accused 14 similarly situated co-accused have since been granted regular bail and also that there is no other case pending against the petitioner and even on the ground of parity the petitioner would be entitled for grant of regular bail, without commenting upon the merits of the case, I deem this to be a fit case for grant of regular bail to the petitioner. The petitioner is directed to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

22.04.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO