

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

212

CRM-M-22155-2021

Date of Decision : October 05, 2021

POONAM

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr.Aman Pal, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG, Haryana.

Mr. Vivek Salathia, Advocate
for the complainant.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.202 dated 28.10.2020, under Sections 323, 506 and 34 of IPC and lateron added under Sections 325, 307 and 120-B of IPC, Police Station Jhoju Kalan, District Charkhi Dadri.

The learned counsel for the petitioner has submitted that the petitioner is a lady of 41 years of age and she is in custody since 01.05.2021 which is more than five months. He submitted that the investigation of the case has already been completed and the challan under Section 173 of Cr.P.C. has already been presented before the competent Court and now the matter has been committed to the Court of Sessions. The learned counsel submitted that it is a case where as per the

allegations contained in the FIR, the petitioner, who is the wife of the complainant, was going home on her two wheeler and the husband/complainant was also going home separately on two wheeler and thereafter, two persons came from back side and hit the complainant with danda and axe and thereafter, the petitioner had stopped there itself and came running to the complainant and tried to save him and raised hue and cry. The learned counsel further submitted that, however, after a period of 6½ months, the complainant recorded a supplementary statement against the petitioner that it was because of the connivance and conspiracy of the petitioner that those two accused had come and hit the complainant as the petitioner had extra-marital relationship with one of those two persons, namely, Rahul. Learned counsel has submitted that the petitioner is working as a Head Constable in Haryana Police and she is facing incarceration for more than five months and no recovery is to be effected from the petitioner and there is no other case against the petitioner and since the trial of the case would take a long time, she may be considered for the grant of regular bail.

On the other hand, Mr. Arya, learned Addl. A.G. Haryana has submitted that it is correct that the petitioner is in custody since more than 5 months and the investigation of the case is already complete and no recovery is to be effected from the petitioner. He further submitted that it is also correct that the petitioner is not involved in any other case and she was working as a Head Constable in Haryana Police. The other two co-accused are in custody and they were not enlarged on bail. However, he has opposed the grant of bail to the petitioner on the ground

that the nature of injuries was serious and the petitioner had conspired to kill the complainant.

Mr. Vivek Salathia, Advocate, learned counsel appearing on behalf of the complainant has submitted that infact it was a deep root conspiracy by the petitioner alongwith other two co-accused to kill the complainant and thereafter in view of the aforesaid conspiracy the entire incident had taken place in which the petitioner was involved and, therefore, he has opposed the grant of bail.

I have heard learned counsels for the parties.

The custody of the petitioner is not in dispute. It is also not in dispute that the investigation of the case is already complete and the challan has been presented and the case has been committed to the Court of Sessions. The petitioner is a lady of the age of 41 years and was working as a Head Constable in the Haryana Police and as per the contents of the FIR, she had come to the complainant to save him but after a period of of 6½ months, as per learned counsel for the petitioner, she was nominated on the basis of a supplementary statement suffered by the complainant. It is not the case of the State that in case the petitioner is released on bail then she may influence any witness or may tamper with any evidence or may flee from justice. However, an apprehension has been expressed by the learned counsel for the complainant that in case she is released on bail then she may influence/threaten the witnesses. However, there is no substance or sufficient material available on the record or in the submissions of learned counsel for the complainant to show as to on what basis such an apprehension has been made out.

Therefore, considering the totality of the circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioner

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

October 05, 2021
ajay-1

(JASGURPREET SINGH PURI)
JUDGE

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