

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

211

CRM-M No.22664 of 2021
Date of decision:09.07.2021

Munesh Devi

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. S.S. Mor, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Jagjeet Beniwal, Advocate for the complainant.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

This is the first petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.165, dated 17.05.2021 registered for offence under Sections 307, 120-B and 34 IPC, 1860, and Section 25 of the Arms Act, 1959, registered at Police Station Murthal, District Sonapat.

As per the version of the prosecution, FIR, Annexure P-1, has been lodged on the complaint of Hawa Singh with the allegation that his son-in-law, Paramjit, along with some unknown persons came to his residence on 17.05.2021 at 3.00 am and fired upon him and damaged his vehicle.

Counsel for the petitioner contends that the petitioner is the

daughter of the complainant, wife of Paramjit, who has been named as an accused in the FIR. It is his contention that the petitioner, who is in custody since 31.05.2021, has neither been named in the FIR nor any role has been imputed to her. He has made a reference to the affidavit dated 21.06.2021 executed by the complainant to the effect that neither the petitioner nor her husband were involved in the alleged incident.

Per contra, learned State counsel upon instructions from ASI Ramesh, has submitted that 06 empty cartridges have been recovered from the spot and the matter is under investigation, though he does not have any instructions regarding the affidavit of the complainant. However, counsel appearing for the complainant has admitted the factum of the execution affidavit by the complainant and he does not have any objection to the grant of bail to the petitioner.

Having considered the arguments advanced by the counsel for the parties, this Court is of the opinion that the complicity of the petitioner in the crime is debatable. Further detention of the petitioner would not serve any purpose.

The petition is allowed. The petitioner is ordered to be released on bail subject to her furnishing bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

09.07.2021

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No