

CRM-M-24195-2021 (O&M)

THROUGH VIDEO CONFERENCE

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

**CRM-M-24195-2021 (O&M).
Decided on: July 30, 2021.**

Smt.Sushila

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Sanjay Vashisth, Advocate,
for the petitioner.**

Mr.Bhupender Singh, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

CRM-22809-2021

The present application has been filed for placing on record the zimni orders as Annexure P-9.

For the reasons recorded in the application, the same is allowed. Annexure P-9 is taken on record subject to just exceptions.

Main case

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.237 dated

CRM-M-24195-2021 (O&M)

4.9.2020, under Sections 148, 149, 302, 506 IPC (also challaned under Section 323 IPC and 25 of the Arms Act, 1959), registered at Police Station Dadri, Sadar, District Charkhi Dadri.

Learned counsel for the petitioner has submitted that in the present case the petitioner who is a lady aged 50 years, has been in custody since 05.09.2020 and till date even the case has not been committed to the Court of Sessions. While referring to the zimni orders (Annexure P-9), learned counsel for the petitioner has submitted that the matter is being adjourned from time to time and the petitioner is in custody for the last 10 months. He has submitted that it was a case of family dispute between two brothers and as per the allegations contained in the FIR the role attributable to the petitioner was that she along with two other persons namely Ramesh and Satish had given slap and fist blows to the deceased after getting hold of him. He has further submitted that the prosecution had been interpreting the allegations against the petitioner that the other main co-accused namely Ankit and Mohit had given knife blows to the deceased Sachin while the petitioner and other two persons were holding the deceased. However, the contents of the FIR do not suggest the same. He has further submitted that be that as it may the petitioner is not involved in any other case and no recovery is to be made from the petitioner and the investigation of the case is already complete and she is in custody for the last more than 10 months and therefore, she may be considered for the grant of regular bail.

Learned State counsel has submitted that it is correct that the petitioner is in custody since 5.9.2020 and the investigation of the case

CRM-M-24195-2021 (O&M)

is already complete and no recovery is to made from the petitioner. He has further submitted that it is also correct that the matter is still not committed to the court of Sessions. However, he has opposed the grant of bail on the ground that the matter was serious in nature because as per the FIR the petitioner along with two other persons had caught hold of deceased Sachin and thereafter two other co-accused namely Mohit and Ankit had given knife blow to the deceased.

I have heard the learned counsel 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 no recovery is to be made from the petitioner and the petitioner is not involved in any other case. This Court does not wish to go into the interpretation of the allegations made in the FIR to determine as to whether the petitioner was holding the deceased when the knife blows were given by Mohit and Ankit or not because the present petition is for regular bail and no observations on merits can be made in this regard. The petitioner is a lady of 50 years of age and more than 10 months have passed but the matter has not even been committed to the Court of Sessions. Furthermore, it is not the case of the State that in case the petitioner is released on bail then she may tamper with any evidence or may influence any witness or may flee from justice.

Therefore, without commenting upon the merits of the case and considering the totality of the circumstances, the present petition is allowed.

It is ordered that the petitioner shall be released on bail on furnishing bail

CRM-M-24195-2021 (O&M)

bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

July 30, 2021.	(JASGURPREET SINGH PURI)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No