

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-34108-2021
Decided on : 27.08.2021

Rubi & ors.

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Bipan Ghai, Sr. Advocate with
Mr. Paras Talwar, Advocate
for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.118 dated 27.05.2020 registered under Sections 148, 149, 302, 323, 354-D and 452 IPC, 1860 at Police Station Chhachhrauli District Yamuna Nagar.

Learned senior counsel while inviting the attention of this Court to the contents of the FIR in question submits that it is evident that no overt act has been attributed to the petitioners much less of inflicting the fatal injury on the person of deceased Sunita when the accused party allegedly pelted stones on the complainant party. He submits that even otherwise the role attributed to petitioners No.1 and 3 is of allegedly trying to catch hold of the sister-in-law of the complainant and then trying to pull off her clothes. Learned senior counsel further submits that not only were the said allegations fabricated but it was evident that these allegations have been levelled so as to implicate the petitioners by attributing some role or the other. Learned senior counsel submits that the offence under Section

354-B IPC is triable by the Magistrate and the petitioners, who have now been in custody since 09.06.2020, be extended the concession of bail as there is no likelihood of the trial concluding in the near future. It has also been contended by learned senior counsel that as far as petitioner No.2 is concerned, his role is similar to that of co-accused Saurabh, who has since been extended the concession of bail by this Court vide order dated 24.08.2021.

Per contra, learned State counsel while opposing the prayer of the petitioners has not been able to controvert the factual aspect of the submissions made by learned senior counsel for the petitioners with respect to the role attributed to the petitioners in occurrence in question. He has very fairly conceded that none of the petitioners have been attributed any injury much less fatal injury on the person of the deceased Sunita.

Heard.

In view of the submissions made by learned counsel for the petitioners, present petition is allowed and the petitioners are admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

27.08.2021
sonia

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No