

217

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M-47993-2021 (O&M).
Decided on: November 23, 2021.

Smt.Omwati

.. Petitioner

VERSUS

State of Haryana

.. Respondent

* * *

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

* * *

PRESENT Mr.Navneet Singh, Advocate,
for the petitioner.

Mr.Ranvir Singh Arya, Addl. A.G. Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.420 dated 6.9.2020, under Section 346 IPC (Sections 302, 364, 365, 201 and 120-B and 34 IPC added later on), registered at Police Station Kundli, District Sonipat.

Learned counsel for the petitioner has submitted that the petitioner is a lady aged 59 years and no role is attributable to the petitioner except that she had conspired with the main accused namely Rahul @ Bakri

in the alleged offence. He submitted that co-accused namely Rahul @ Bakri has been granted regular bail by this Court vide order dated 18.11.2021 passed in CRM-M-41764-2021. He further submitted that petitioner is in custody since 2.10.2020 which is more than one year and in fact, all the material witnesses including the complainant have been examined and they have turned hostile stating that they never made any statement to the police against the petitioner. He further submitted that petitioner is not involved in any other case and is not a habitual offender and since the trial of the case would take long time, the petitioner may be considered for the grant of regular bail.

On the other hand, learned State counsel has stated that it is correct that the petitioner is in custody since 2.10.2020 and after completion of investigation of the case, challan has been presented and out of 23 witnesses cited by the prosecution, 4 have already been examined and the complainant has turned hostile.

I have heard the learned counsel for the parties.

The petitioner is a lady aged 59 years and the main accused namely Rahul @ Bakri has already been granted bail by this Court. The investigation of the case is already complete and material witnesses including the complainant have been examined and have turned hostile. The trial of the case would take long time. Furthermore, 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.

Therefore, keeping in view the totality of circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner. Accordingly, the present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail 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.

November 23, 2021.	(JASGURPREET SINGH PURI)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No