

CRM-M-2523-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2523-2022

Date of decision : 21.07.2022

Neelam

.....Petitioner

VERSUS

State of Haryana

....Respondent

**CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Vinod Ghai, Senior Advocate with
Mr. Arjun Sheoran, Advocate, for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.428, dated 18.11.2014, registered at Police Station Barwala, District Hisar, under Sections 147, 148, 114, 149, 186, 120-B, 188, 121, 121A, 122, 123, 224, 225, 307, 326A, 332, 333, 342, 353, 435 of the Indian Penal Code; Section 25 of Arms Act; Sections 16, 18, 20, 22C and 23 of the Unlawful Activities (Prevention) Act, 1967; Sections 25, 27 and 30 of the Arms Act, 1959; Sections 3 and 4 of the Explosive Substances Act and Sections 3 and 4 of PDPP Act, 1984.

It is the contention of the learned senior counsel for the petitioner that the petitioner was arrested in this case on 18.08.2021. He

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submits that the petitioner has been implicated in the present case on the basis of the disclosure statement of co-accused Jasbir. His contention is that the allegations against the petitioner are only that she was a part of unlawful assembly and no overt act apart from that has been attributed to her although it is stated that she was one of the conspirators. He further contends that the trial is under progress, where the total number of witnesses cited by the prosecution is 460, out of which only 80 witnesses have been examined and 9 have been given up as unnecessary leaving 334 witnesses still to be examined. He, therefore, contends that the petitioner may be granted the concession of regular bail by imposing any condition which this Court may think appropriate and necessary.

On the other hand, learned counsel for the State has opposed the present application by contending that had it not been the conspiracy, which she along with the others hatched, the incident would not have taken place, however, counsel for the State could not dispute the factual aspects with regard to the allegations against the petitioner, the total number of prosecution witnesses yet to be examined and the stage of the trial. An aspect which has been pointed out by the counsel for the State is that the petitioner was declared as proclaimed offender in this case and has been arrested after a period of about five years of the incident. She, thus, prays for dismissal of the present petition.

Having considered the submissions made by the learned counsel for the parties and keeping in view the allegations leveled against the petitioner as also the fact that the trial is not likely to be concluded in near future with 334 witnesses still to be examined by the prosecution and

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the petitioner being a lady, we accept the prayer made in the present petition. Petitioner is ordered to be released on bail subject to her furnishing bail and surety bonds to the satisfaction of the trial Court Hisar, which shall impose strict conditions while releasing her on bail.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

(AUGUSTINE GEORGE MASIH)
JUDGE

21.07.2022
Harish

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>