

Through video conference

222

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

**CRM-M-2753-2022 (O&M)
Decided on: January 27, 2022**

Smt. Poonam and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

**Present: Mr. Navneet Singh, Advocate
for the petitioners.**

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 06.09.2020, initially registered under Section 346 of IPC, 1860, and subsequently Sections 302, 364, 365, 201, 120-B and 34 IPC, were added, registered at Police Station Kundli, District Sonapat.

It has been submitted by the learned counsel for the petitioners that both the petitioners namely Poonam and Babli who are ladies aged 42 years and 28 years respectively were falsely implicated in the present case. He submitted that the petitioners are in custody since 02.10.2020, which is about one year and four months and the investigation of the case is already complete and during trial material witnesses including the complainant have since been examined and they have turned hostile and have stated that they

never made any statement against the petitioners. He submitted that

similarly situated co-accused namely Rahul alias Bakri, Omwati and Ankit @ Mabari, have been granted concession of regular bail by this Court vide Annexures P-5, P-6 and P-7. He submitted that no useful purpose would be served in case the petitioners who are ladies are kept in further custody for long time especially when the material witnesses including the complainant examined by the prosecution have turned hostile and therefore, the petitioners may be granted concession of regular bail.

On the other hand, learned State counsel has submitted that it is correct that the petitioners are in custody since 02.10.2020 and it is also correct that material witnesses including the complainant have been examined by the prosecution and they have turned hostile. He submitted that it is also correct that similarly situated co-accused have been granted bail by this Court vide Annexures P-5 to P-7.

I have heard the learned counsel for the parties.

The custody period of the petitioners which is about one year and four months is not disputed. It is also not disputed that during trial material witnesses including the complainant have been examined and they have turned hostile. Furthermore, it is not the case of the State that in case the petitioners are released on bail then they may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the totality of circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioners. Accordingly, the present petition is allowed. It is ordered that the petitioners shall be released on bail on furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned in case not required any other case.

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.

January 27, 2022.

Parveen Kumar

(JASGURPREET SINGH PURI)

JUDGE

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