

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

240-A

CRM-M-5178-2022 (O&M)

Date of Decision: 20.04.2022

SEEMA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sanchit Punia, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.773 dated 17.11.2021, registered under Sections 147, 149, 323, 342, 506, 384, 388 IPC, at Police Station HTM, District Hisar, Haryana.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that no role has been attributed to the petitioner and that there is a delay of one year in lodging the present FIR, as the occurrence took place on 14.11.2020, whereas the FIR was registered on 17.11.2021. He further submits that there is no medical evidence to corroborate the complainant's version; that, on 18.06.2020, husband of the petitioner had filed a complaint against Umesh (the present complainant) and that the present FIR is a counter-blast to the said complaint. Still further, it is submitted that as far as the other case registered against the petitioner is concerned the petitioner is on bail in the said case and that the petitioner has been in custody since 08.12.2021.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, she had called the complainant to her house, where she along with the other co-accused gave beatings and threats, of involving in a false rape case, to the complainant. He further submits that though in a video clip recorded in the Pen Drive, the petitioner could be seen to have participated in the occurrence, yet the fact remains that the said Pen Drive has not been sent to the FSL for examination. Still further, it is submitted that post framing of the charges, prosecution evidence is yet to commence.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 08.12.2021. No specific role has been attributed to the petitioner. In other case registered against the petitioner, she is on bail. Prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

20.04.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

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