

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

201

CRM-M-20060-2022 (O&M)

Date of Decision: 07.06.2022

Jyoti

... Petitioner

VS.

State of Haryana

... Respondent

CRM-M-20774-2022 (O&M)

Triveni

... Petitioner

VS.

State of Haryana

... Respondent

Coram: Hon'ble Mrs. Justice Manjari Nehru Kaul

Present: Mr. Sunil Sihag, Advocate and
Mr. SS Nain, Advocate for the petitioners

Mr. Rohit Arya, DAG Haryana

Mr. Rahul Vats, Advocate for the complainant

Manjari Nehru Kaul, J. (Oral)

By this common order, the above-captioned two criminal miscellaneous petitions filed under Section 438 CrPC by petitioners Jyoti and Triveni, for grant of anticipatory bail in case FIR No.72 dated 18.03.2021 under Sections 148/149/323/302/506 IPC (325/326 IPC were added later on) and Sections 24-25-59 of Arms Act, 1959 registered at Police Station Chand Hut, District Palwal, are being disposed off.

Learned counsel for the petitioners *inter alia* contends that the false implication of the petitioners in the instant case is evident from the fact that subsequent to the registration of the FIR in question, when investigation was carried out, both the petitioners were not even found to be present at the alleged place of occurrence as petitioner Jyoti was away

submits that the then Investigating Officer too had filed a report on 09.12.2021 to the said effect, however, strangely, later on when the matter was again investigated by the Special Investigation Team (SIT), the very same investigating agency found the petitioners involved in the alleged crime. Learned counsel further submits that both the petitioners are women and it cannot be believed that they would have even participated in the alleged occurrence in which one person Kehar Singh lost his life while two others i.e. Sahil and Manisha received injuries. He furthermore submits that the complainant party has intentionally tried to involve the entire family of the accused including the petitioners which is apparent from the vague and general allegations leveled against them in the FIR in question. Learned counsel submits that the petitioners are ready to join the investigation and cooperate with the investigating agency.

Per contra learned State counsel assisted by learned counsel for the complainant have vehemently opposed the prayer and submissions made by counsel opposite. They have drawn attention of this Court to the allegations leveled in the FIR which stands reproduced in the body of the petition. Learned counsel submit that the FIR in question was lodged promptly and without any delay after the occurrence in question. It has also been submitted that not only were all the accused including the petitioners named in the FIR but they were attributed specific roles in the crime as well. Learned counsel submit that while petitioner Jyoti was alleged to be armed with a *danda* with which she inflicted blows on the person of the deceased and the injured witnesses, petitioner Triveni was wielding an axe at the time of the alleged occurrence. Learned counsel submit that petitioner Triveni also actively participated in the alleged

occurrence and caused injuries not only on the person of the deceased, but also on the person of the injured witnesses i.e. Manisha and Sahil which fact finds due corroboration from the post mortem report of the deceased and the respective MLRs of the injured. Learned State counsel further submits that no doubt, initially, the then Investigating Officer, on the basis of the statement of one of the neighbours i.e. Om Parkash, concluded that the petitioners were not present at the time of the alleged occurrence, however, subsequently when SIT was constituted and a thorough investigation carried out, both the petitioners were found involved in the crime, on the basis of the evidence collected as well as the statements of the witnesses and co-villagers. Learned counsel for the State submits that in the wake of the specific and serious allegations leveled against the petitioners, their custodial interrogation would be warranted and hence, they be not extended the extraordinary concession of anticipatory bail.

I have heard learned counsel for the parties and perused the relevant material on record including the affidavits of DSP Hodal which have been filed by the State of Haryana today in the Court.

The occurrence in question is stated to have allegedly taken place on 17.03.2022 at about 7.30 pm. The deceased as well as the injured were soon thereafter shifted to the hospital which fact finds due corroboration from the MLRs of the injured witnesses, annexed with the replies filed by the State of Haryana today. It is admittedly a case of eye-witness account wherein not only were the petitioners named in the FIR which was lodged promptly but they were also attributed specific roles in the occurrence in question. *Prima facie*, it does appear that the petitioners actively participated in the occurrence in question which also finds

corroboration from the injuries found on the person of the deceased as well as the two other injured witnesses.

This Court would, therefore, be not inclined to extend the extraordinary concession of anticipatory bail to the petitioners in the wake of both of them being named in the FIR and attributed specific roles in the alleged crime.

Dismissed.

Nothing contained hereinabove shall be construed to be an expression of opinion on the merits of the case.

07.06.2022
V.Vishal

(Manjari Nehru Kaul)
Judge

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |