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

CRM-M No.23358 of 2022 (O&M)

Date of decision: 31.05.2022

Sehnaaj Khan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vikas Gulia, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.116 dated 15.03.2022, for offence punishable under Sections 307, 34, 120-B of the Indian Penal Code, 1860 (in short 'IPC') and 25 of the Arms Act, registered at Police Station Murthal, District Sonapat.

Counsel for the petitioner has submitted that the FIR was registered on a complaint given by Sahil that 02 persons came on a motorcycle and fired 02 bullets upon the victim with intention to kill him. Out of which, 01 bullet hit on his right hip. Thereafter, he ran inside the house and his father and uncle and other villagers came there. On a small distance, a boy was standing there, who was starting the motorcycle and thereafter, both the persons ran away from the spot on the same motorcycle and he can identify them. It is further stated that

due to enmity the firing incident has occurred at the behest of one Sheru, Suresh and Bablu son of Sultan and action be taken against them. Thereafter, the complainant and his father made a supplementary statement after a period of 01 week i.e. on 22.03.2022 that the petitioner is also part of the conspiracy in which the firing incident has taken place. It is also submitted that the petitioner is a lady and not involved in any other case and the petitioner is wife of accused – Suresh and the only allegation against her is that she was part of the conspiracy.

Counsel for the petitioner has further submitted that the petitioner was not named in the FIR and was not named as a person, who came at the spot, when the firing incident was done by the co-accused. Lastly, it is submitted that the petitioner is having 06 years old minor child and the investigation is complete and nothing is to be recovered from her and she is in custody for a period of more than 02 months.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last about 02 months; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to her furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty

Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case she is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

31.05.2022
yakub

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