

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215

CRM-M-28812-2021
Decided on : 01.08.2022

Munni

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 461 dated 30.12.2020 under Sections 120-B, 302, 307, 34 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act registered at Police Station Urban Estate, District Rohtak.

Learned counsel for the petitioner has submitted that the petitioner is a 54 year old housewife who has never been involved in any criminal case and has been in custody since 30.12.2020 and there are as many as 32 prosecution witnesses out of whom, only 7 witnesses have been examined and thus, the trial is likely to take time. It is further submitted that even as per the FIR, no overt act has been attributed to the present petitioner, and the only allegation levelled with respect to the petitioner is that the petitioner came out of the car and started talking to the complainant party. It is contended that as per the FIR, the alleged gun

shot injuries had been inflicted by co-accused Kuldeep, Kapil and one unknown person and not the present petitioner. It is further contended that as per the prosecution case, there are two witnesses and both the said witnesses i.e. Krishan (complainant) and Mohit (injured) have already been examined as PW-4 and PW-5, respectively and they have not supported the case of the prosecution. It is argued that one of the co-accused of the petitioner namely Manjeet has been granted the concession of regular bail by a coordinate Bench of this Court vide order dated 08.06.2021 passed in CRM-M-21784-2021.

Learned State counsel has opposed the present application for regular bail and has submitted that in the present case, as per the FIR, two persons i.e. Rohit, son of the complainant, and Pooja, who is the niece of the present petitioner have been killed and one person who is the brother of Rohit, namely Mohit, has also been injured. It is further submitted that although, the petitioner has not been attributed any injury as per the FIR, but she was also present at the spot and was also a part of the conspiracy. The other facts, however, have not been disputed by learned State counsel.

This Court has heard learned counsel for the parties and has perused the paperbook.

The petitioner is a 54 year old lady and is stated to be not involved in any other criminal case. She has been in custody since 30.12.2020 and the investigation is complete and there are as many as 32 prosecution witnesses, out of whom, only 7 witnesses have been examined and thus, the trial is likely to take time. As per the FIR, the petitioner has not been attributed any overt act and the only allegation levelled against

the petitioner is to the effect that she came out of the car and started talking to the complainant party. The injuries suffered by the two deceased and the injured Mohit, even as per the FIR have been attributed to Kuldeep, Kapil and one unknown person. There are stated to be two eye witnesses in the present case i.e. Krishan (complainant) and Mohit (injured), both of whom have been examined as PW-4 and PW-5, respectively, and both the said witnesses have not supported the case of the prosecution. One co-accused of the petitioner Manjeet has been granted the concession of regular bail by a coordinate Bench of this Court vide order dated 08.06.2021 passed in CRM-M-21784-2021.

Keeping in view the abovesaid facts and circumstances, 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 concerned trial Court/Duty Magistrate and subject to her not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

It is made clear, in case, the petitioner threatens or influences any witness, it would be open to the State to move an application for cancellation of the present regular bail granted to the petitioner.

(VIKAS BAHL)
JUDGE

01.08.2022
Mehak

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