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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26407-2022
Date of Decision: 13.07.2022

Saroj

....Petitioner(s)

Versus

Suresh and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Amit Khatkar, Advocate, for the petitioner.

Mr. M.M. Pandey, Advocate, for respondent No.1.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in a complaint No.96 dated 26.08.2016, under Sections 302, 201, 341, 342, 323, 506, 217, 218, 120-B IPC, Police Station Narnaund, District Hisar.

It has submitted by the learned counsel for the petitioner that the petitioner is a lady of the age of 55 years and it is a case where the incident had taken place in the year 2013 and thereafter, the summoning order was passed after a period of more than 8 years and the present complaint has also been filed after a period of two years. He further submitted that initially when the matter was investigated by the police, the police had exonerated the petitioner and thereafter the present complaint was

filed in which now the summoning order has been passed. He further submitted that she had filed a separate petition before this Court for grant of anticipatory bail in which the petitioner was directed to surrender before the trial Court and till the time of her surrender, it was also directed that no coercive steps shall be taken. Thereafter, she had surrendered before the trial Court on 30.05.2022 from which date she is now in custody. He further submitted that thereafter a regular bail application was filed before the learned trial Court but the same has now been dismissed and now the petitioner has filed the present petition. He further submitted that it is a case where the deceased Manjeet had committed suicide and thereafter different colour was given by the complainant and the entire factual position is to be ascertained by adducing evidence at the time of trial. Therefore, in view of the aforesaid facts and circumstances the petitioner may be considered for the grant of regular bail.

Mr. Naveen Singh Panwar, learned DAG, Haryana has stated that it is correct that the petitioner has surrendered before the trial Court and her bail has now been rejected by the learned Additional Sessions Judge. He further submitted that it is a case where the police had exonerated the petitioner and thereafter, a private complaint was filed after a period of two years, in which summoning order has been passed and the incident had taken place in the year 2013.

Mr. M.M. Pandey, Advocate has appeared on behalf of the complainant and has opposed the grant of bail on the ground that serious offence has been committed by the petitioner and, therefore, she does not deserves the concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner is a lady of the age 55 years and earlier the police as per the learned counsel for the parties had exonerated the petitioner but after sometime a complaint was filed before the learned Court and thereafter, the trial has commenced. On application under Section 319 Cr.P.C., summoning orders were issued against some of the persons including the petitioner and this Court had directed the petitioner to surrender before the learned trial Court and in this way, the petitioner had surrendered and thereafter her regular bail was dismissed. The incident is of the year 2013 and the preliminary evidence has already been recorded and the petitioner had earlier surrendered and is ready to face the trial. It is not the case of the State or the complainant that in case the petitioner is released on bail, then she may flee from justice or may commit any other offence or may influence any witness.

Therefore, considering the aforesaid facts and circumstances this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

13.07.2022

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

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