

(219) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28401-2022

Date of Decision: 12.07.2022

Rajni

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Raghav Sharma, Advocate
for the petitioner.

Mr. Vikrant Pamboo, D.A.G, Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition is for the grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.0287 dated 16.04.2022 (Annexure P-1) registered under Sections 307, 323, 324, 34, 506 IPC, 1860 at Police Station Krishna Gate, Thanesar, Kurukshetra.

2. The brief facts of the case are that the statement of Bimla Devi wife of late Chaman Lal was recorded to the effect that she did household work and was present at her home when her son Pardeep told her that he had an argument on some issue with Vikas son of Ramesh. During the course of that argument, Shashi son of Shiv Dayal visited the spot and threatened Pardeep. Thereafter, she along with her son Pardeep went to the Police Chowki and gave a complaint against Shashi and Vikas and after giving the complaint went back home. On account of the complaint, the Chowki employee summoned them to the Chowki and she along with her son Pardeep and other son Shubham went to the Chowki. At that time Shashi and Vikas

came there and on seeing her along with her sons sitting below the Pipal Tree in the Police Chowki started shouting and attacked her son Pardeep on various parts of the body with a knife with an intention to kill. She and her son Shubham along with a Police personnel present in the Police Chowki got Pardeep freed from Shashi and Vikas. However, a lot of blood was shed on account of injuries. After that she and her son Shubham got Pardeep admitted in Government Hospital from where the doctors referred to Kurukshetra Hospital. Thereafter, Rajni (the present petitioner) came to her house and threatened them saying that the secret information had been given by her son Pardeep to the Police because of which she would get her son Pardeep killed within two days. Based on the said complaint, the present FIR came to be registered.

3. The learned counsel for the petitioner contends that so far as the petitioner is concerned, she has no role to play in the commission of the offence. She is not said to be present at the spot when the occurrence took place and the prosecution version that she had gone to the house of the complainant after the occurrence appears to be unbelievable. In fact, she has been falsely implicated to spread the net wider as her sons are the main accused. He further contended that the petitioner is in custody since 18.04.2022 and the challan was submitted before the Court on 08.07.2022 and none of the 21 prosecution witnesses cited in the list of witnesses have been examined till date and Section 307 IPC is attributed to her co-accused namely, Shashi and Vikas. He thus, contended that the petitioner be granted the concession of regular bail.

4. On the other hand, the learned State counsel contends that the sons of the petitioner committed the offence in question and therefore, the allegations in the FIR of the petitioner intimidating and threatening the complainant cannot be disbelieved. It is further contended that though no injury has been caused by the petitioner, she is actively involved in the commission of the offence. Even otherwise, three other FIRs are pending against the petitioner under the NDPS Act and therefore, she does not deserves the concession of regular bail.

5. I have heard the learned counsel for both the parties at length.

6. Admittedly, the injuries have been attributed to Shashi and Vikas. As per the prosecution case, the petitioner was not present at the spot but subsequently went to the house of the complainant to threaten her. The petitioner has been in custody since the last almost 03 months and the investigation already stands completed. None of the 21 prosecution witnesses have been examined till date and therefore, the trial is not likely to be concluded in the near future.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that she is not involved in any other crime other than the cases mentioned in this order.

9. If the petitioner or her family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case either herself or through her relatives and friends, the State would be at liberty to move an application for cancellation of bail granted vide this order.

10. The petition stands disposed off.

(JASJIT SINGH BEDI)
JUDGE

12.07.2022

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No