

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

204

CRM-M-34712-2021

Date of Decision:24.02.2022

REENA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sandeep Gahlawat, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

SUVIR SEHGAL, J.(ORAL)

Heard through video conferencing.

This is the second petition filed under Section 438 of Code of Criminal Procedure, 1973, for grant of anticipatory bail in case FIR No.08 dated 15.01.2018, Annexure P-1, registered under Sections 114/147/149/302/323/285/341 of IPC, 1860, and Sections 25/27 of the Arms Act, 1959, at Police Station Agroha, District Hisar.

While issuing notice of motion, this Court passed the following order on 25.08.2021:-

“The Court has been convened through video conferencing due to Covid-19 pandemic.

Counsel for the petitioner has submitted that FIR (Annexure P-1) was registered on the allegation that Rajesh, son of Subhash Chander, has been murdered and 09 persons were named as accused, which included the husband of the petitioner, her in-laws as well as some relations. After enquiry, the investigating agency submitted a challan against 07 accused but the petitioner as well as Rohtash (since deceased) were found to be innocent. He submits that the petitioner has now been summoned as an additional accused after an application under Section 319, Cr.P.C. filed by the complainant, which was supported by the prosecution, was allowed, vide order dated 23.07.2021 (Annexure P-8). By referring to the allegations in the FIR as well as the testimony

of complainant-Kuldeep (PW2), counsel urges that though the petitioner is named and alleged to be present on the spot, armed with a lathi yet there is no accusation of inflicting any injury on the deceased. Counsel submits that the petitioner, who is a housewife and has two minor children, is ready to join the investigation and cooperate with the investigating agency.

Notice of motion.

On asking of the Court, Mr. Gurmeet Singh, Assistant Advocate General, Haryana accepts notice on behalf of the respondent-State.

In the meantime, it is directed that in case the petitioner appears before the trial Court within two weeks from today, then she shall be released on interim bail on furnishing bail bonds/sureties to the satisfaction of the trial Court.

List on 10.12.2021.”

Counsel for the petitioner submits that pursuant to the above order, the petitioner has joined the proceedings before the trial court and has been released on interim bail. He submits that the first petition (CRM-M-31979-2021) filed by the petitioner seeking grant of anticipatory bail was withdrawn on 10.08.2021 with liberty to approach the learned Sessions Court.

Upon instructions from ASI Gurpreet Singh and on the basis of the reply filed by way of an affidavit of Deputy Superintendent of Police, Hisar-II, State counsel submits that the petitioner has appeared before the trial court on 02.09.2021 and has furnished the requisite bail bonds/surety bonds.

In view of the above, the present petition is allowed and the order dated 25.08.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

24.02.2022
sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No