

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

234

CRM-M-32377-2022

Date of Decision : August 01, 2022

RAVITA

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Mazlish Khan, Advocate
for the petitioner.

Ms. Shivani Sharma, AAG, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present is a second petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 71 dated 2.3.2021 under Sections 364, 307, 302, 201, 34 IPC, registered at Police Station Kherki-Daula, District Gurugram (Haryana).

It has been submitted by the learned counsel for the petitioner that the petitioner is a lady of the age of 52 years and she is in custody from 2.3.2021 which is approximately one year and 5 months. He submitted that the investigation of the case has been completed and the complainant has also been examined who has not supported the prosecution version and has been declared hostile. He further submitted that as per the allegations the petitioner had accompanied the main accused, namely, Sonu in the car whereby the complainant and her children were pushed in the canal. He submitted that a bare perusal of the

FIR would show that differences, if any, were with Sonu and the petitioner is the only mother of Sonu and it was a case of second marriage of the complainant. He submitted that she has been implicated only by virtue of the fact that she is the mother of other co-accused, namely, Sonu and, therefore, she may be considered for the grant of regular bail.

On the other hand, the learned State counsel has submitted that so far as the custody of the petitioner is concerned, the same is correct and she is in custody for about 1 year and 5 months. She submitted that it is also correct that the investigation of the case has been completed and one witness, who is the complainant has already been examined who did not support the prosecution version. She has, however, opposed the grant of regular bail to the petitioner on the ground that it is a case where two children have died and the matter is serious in nature.

I have heard the learned counsels for the parties.

The petitioner who is a lady aged 52 years is in custody for about 1 year and 4 months. The investigation of the case has already been completed and the material witness i.e. complainant herself has been examined and according to the learned counsels for the parties she has not supported the prosecution version. The fact that the petitioner who is a lady has faced incarceration for about 1 year and 5 months and the complainant herself has turned hostile would become a ground for consideration for the grant of bail to the petitioner. As per the allegations contained in the FIR, the dispute of the complainant was with her husband, namely, Sonu with whom she has performed second marriage

and the petitioner is the mother of the co-accused, namely, Sonu. It is yet to be ascertained at the time of the trial as to whether the petitioner who is the mother of Sonu was involved in the present case or not and the trial of the case may take long time. Therefore, considering the aforesaid factor especially that the petitioner is a lady of the age of 52 years and she has faced incarceration for about 1 year and 5 months, this Court is of the view that the petitioner deserves the concession of regular bail. During the course of arguments, the learned State counsel has neither argued nor it is the case of the State that in case the petitioner is released on bail then she may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, in view of the aforesaid facts and circumstances of the present case, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

August 01, 2022

ajay-1

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No