

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44546-2022
Date of Decision: 29.09.2022

Gulshan

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vikas Gulia, Advocate, for the petitioner.

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 FIR No. 15 dated 01.02.2022, under Section 302 IPC (Sections 201, 120-B IPC added later on), registered at Police Station Sushant Lok, Gurugram.

The learned counsel for the petitioner has submitted that the petitioner is a lady of the age of 35 years and is in custody from 03.02.2022 and the investigation of the case is already complete and the challan has been presented before the competent Court and thereafter, the charges have been framed on 08.09.2022. He submitted that even as per the FIR and the prosecution story, the entire case was based upon circumstantial evidence and the name of the petitioner has been nominated on the basis of disclosure statement of a co-accused namely Nahim Alvi @ Mushraf and at the most

the role attributable to the petitioner was under Section 120-B IPC. He further submitted that in view of the aforesaid facts and circumstances when no recovery is to be effected from the petitioner and trial of the case may take long time, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that so far as the custody period of the petitioner is concerned, the same is correct and the investigation of the case has been completed and now the charges have been framed. He submitted that it is also correct that the role of the petitioner pertains to Section 120-B IPC and name of the petitioner has been nominated on the basis of the disclosure statement of a co-accused.

I have heard the learned counsel for the parties.

The present is a case where the petitioner has faced incarceration for about 8 months and she is a lady of the age of 35 years and even as per the prosecution her role was with regard to instigating the other co-accused for commission of a murder but the entire prosecution story is based upon circumstantial evidence as per the FIR. The petitioner is also stated to be nominated on the basis of disclosure statement of a co-accused. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then she may influence any witness or may tamper with evidence or may flee from justice.

Therefore, in view of the facts and circumstances of the present case and also considering the fact that the petitioner is a lady of the age of 35 years and has faced incarceration for about 8 months, this Court deems it fit

and proper to grant regular 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.

29.09.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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