

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

212

**CRM-M-50199-2021
Date of decision: 20.04.2022**

USHA

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Rahul Jaswal, Advocate
for the petitioner.

Mr. Amreek Singh Narwal, DAG, Haryana
for the respondent.

SANT PARKASH, J. (ORAL)

Prayer in this petition under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner, in case, FIR No. 346 dated 17.11.2020 registered under Sections 120-B, 323, 324, 34, 506 of the Indian Penal Code, 1860 at Police Station Sector 13/17, District Panipat to which Sections 452/302 IPC and Section 25/54/59 of the Arms Act, 1959 were added later on.

The present FIR has been registered on written complaint made by Preeti who alleged that she was earlier married to Ankit. There was matrimonial discord between them and they both had obtained decree of divorce from the Court. After six months, she had performed marriage with Anjil @ Sonu. She had a daughter namely Nisha from her earlier marriage with Ankit and she used to reside with her. About ten days back, her daughter had gone to meet her grand mother. On 16.11.2020, in the evening, complainant had taken her daughter back

from her mother-in-law and was going to meet some relative at Sector 13-17. She alighted from a tempo at Noorwala Bus Stand where her husband was also waiting for her. On reaching there, three youths riding on a bike come to them and started misbehaving with her. She noticed that one of those youths was her previous husband Ankit while the other two Usman and Pankaj were neighbour and brother, respectively of her previous husband. Ankit shouted that she be taught a lesson for marrying with Anjil @ Sonu. The accused Ankit along with others opened an assault upon the husband of the complainant with knives. When the complainant rushed for rescue of her husband, she and her daughter were inflicted injuries with knives by the assailants. They were rescued by the passers-by, on seeing whom, assailants fled from the spot while extending threat to kill her in future.

The present petitioner Usha is mother of co-accused Pankaj and Ankit and she was nominated as an accused on disclosure statement of co-accused Pankaj to the effect that she had entered into a criminal conspiracy along with co-accused, who were her sons to commit murder of victim Anjil @ Sonu with whom Preeti started living as wife after taking divorce from her son Ankit.

The petition has been opposed by learned State Counsel. However, no reply has been filed on behalf of respondent/State.

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has submitted that the petitioner is a 53 years old lady and has been falsely implicated in the

present case being the mother of accused Ankit and Pankaj. The petitioner was not aware about the occurrence and was not even present at the spot. No recovery is affected from the petitioner. The petitioner is in custody since 24.07.2021. Challan has already been presented. There are 25 prosecution witnesses and none of them have been examined yet. Trial is likely to take long time. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel while opposing the submissions of learned Counsel for the petitioner has submitted that the allegations against the petitioner are serious. Therefore, the petition for grant of regular bail to the petitioner may be dismissed.

Having considered the facts and circumstances of the case, the period of custody of the petitioner, she is not the main accused and has not participated in the occurrence, completion of trial would take sufficient long time but without expressing any opinion on the merits of case, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

20.04.2022
kavneet singh

(SANT PARKASH)
JUDGE

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