

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-45390-2022

Date of decision : 12.10.2022

Smt. Saroj

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Rhythem Bajaj, Advocate
for the petitioner.

Mr.Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.143 dated 29.04.2019 registered under Sections 147, 148, 149, 302, 323, 325, 427, 452, 201 of the Indian Penal Code, 1860 at Police Station Bhuna, District Fatehabad, Haryana.

Learned counsel for the petitioner has submitted that in the present case, as per the FIR, no specific injury has been attributed to the present petitioner. The person who is stated to have given a fatal blow with *gandasi* is Gaurav @ Gora. It is further submitted that Angrej, who is similarly placed as the present petitioner, has already been granted regular bail by the Coordinate Bench of this Court vide order dated 25.11.2021 passed in CRM-M-17876-2021. It is argued that the petitioner has been in custody since 10.02.2022 and there are 31 witnesses, out of which, none have been examined as yet and thus, the conclusion of the trial is likely to

Learned State counsel, on the other hand, has opposed the present petition and has submitted that although, no specific injury has been attributed to the petitioner but there are two incidents mentioned in the FIR and the petitioner has been named in the second incident in which one person has died. It is further submitted that the petitioner is involved in one more case.

Learned counsel for the petitioner, in rebuttal, has relied upon the judgment of Hon'ble Supreme Court in ***“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”***, reported as ***2012 (2) SCC 382*** to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

This Court has heard learned counsel for the parties and has perused the paper book.

It is not in dispute that as per the prosecution case, no specific injury has been attributed to the present petitioner. The injury, which has caused the death of the deceased has been attributed to Gaurav @ Gora with *gandasi*. The co-accused of the petitioner namely Angrej has already been granted the benefit of regular bail by the Coordinate Bench of this Court

the present petitioner is on a similar footing as that of Angrej. There are 31 witnesses, out of which, none have been examined as yet and thus, the conclusion of trial is likely to take time. The petitioner is lady of 56 years of age.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to her not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

October 12, 2022
Davinder Kumar

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