

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

256

CRM-M-46120-2022

Date of Decision: October 14, 2022

KRISHNA

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Ramnish Puri, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Pardeep Sihmar, Advocate
for the complainant.

AMAN CHAUDHARY, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.13 dated 21.01.2022, under Sections 302, 323, 325, 148, 149 and 506 IPC, registered at Police Station Pillu Khera, District Jind.

Learned counsel for the petitioner submits that though the petitioner had been named in the FIR, however, there is no specific injury attributed to her on the person of the deceased. The allegations against the petitioner as also against Joginder, Govinda, Sushma and Arti are similar that they gave beatings with sticks, bricks and dandas to the complainant as well as to the injured Sahil. Learned counsel would submit that out of the aforesaid persons Sunita, Sushma and Arti have been declared innocent by the Police and Joginder and Govinda have

been granted regular bail. He further submits that petitioner is better placed, considering that the custody of the petitioner is more than nine months which is slightly more than the co-accused who have already been granted regular bail and moreover the petitioner is a lady. He submits that challan has already been filed. Charges have been framed and out of total 27 witnesses, none has been examined so far.

Per contra, learned State counsel submits that all the accused persons were part of unlawful assembly who had assembled with a common object and gave beatings to the injured. However, he is unable to controvert this fact that the petitioner has been in custody since 25.01.2022, the two other co-accused have been granted regular bail and also the fact that challan has been presented, charges have been framed and out of total 27 witnesses, no witness has been examined so far.

Learned counsel for the complainant also submits that all the accused were part of the unlawful assembly and had together given beatings with lathi, danda and bricks. He prays that on this account, the bail may be dismissed.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case particularly the fact that the investigation has since been completed; charges framed; none of the witnesses have yet been examined; petitioner has been in custody since 25.01.2022 and the two other co-accused have been granted regular bail; similarly placed two co-accused have already been granted bail; trial is yet to commence, her further detention behind bars would not serve any useful purpose, the present petition for grant of

regular bail deserves to be allowed.

As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to her furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

- “1. The petitioner will not tamper with the evidence during the trial.*
- 2. The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- 3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- 4. The petitioner shall not commit an offence similar to the offence of which, she is an accused, or for commission of which she is suspected of.*
- 5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- 6. The petitioner shall not in any manner misuse her liberty.*
- 7. Any infraction shall entail in withdrawal of the benefit granted by this Court.”*

In view of the above, this Court makes it clear that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

October 14, 2022

rimpall

(AMAN CHAUDHARY)
JUDGE

Whether reasoned/speaking:
Whether reportable:

Yes / No
Yes / No