

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-51483-2022

Date of decision : 30.11.2022

Shakuntla

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Diwan S.Adlakha, Advocate for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.324 dated 17.08.2022 registered under Sections 306, 34 IPC (Sections 323, 324, 341, 506, 201 IPC added later on) at Police Station Matlauda, District Panipat.

Learned counsel for the petitioner has submitted that the petitioner is 64 years of age and has been in custody since 28.08.2022 and the investigation is complete and the challan has already been presented and there are 21 witnesses, out of which, none have been examined and thus, the trial is likely to take time and the petitioner is not involved in any other case. It is further submitted that even as per the FIR, no injury has been attributed to the present petitioner and even upon a reading of the FIR, no offence under Section 306 IPC has been made out against any of the accused much less, the present petitioner.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that initially there were seven persons who were named by the complainant but after investigation,

it was found that Birender @ Binder and the present petitioner were involved in the incident in question and it is the said Birender @ Binder who had inflicted injuries upon the deceased and had also harassed the deceased on account of which, he committed suicide.

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

Keeping in view the above said facts and circumstances moreso, the fact that petitioner is 64 years of age and has been in custody since 28.08.2022 and the investigation is complete and the challan has already been presented and there are 21 witnesses, out of which, none have been examined thus, the trial is likely to take time and the petitioner is stated to be not involved in any other case, 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

November 30, 2022

Davinder Kumar