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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-24931-2023 in/and
CRM-M-15304-2023

Date of Decision: 2nd June, 2023

Dulari Devi

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sahil Gupta, Advocate for the petitioner.

Mr. Sharad Aggarwal, DAG, Haryana.

AVNEESH JHINGAN , J.(Oral)

CRM-24931-2023

1. This application has been filed for placing on record bail orders dated 20.5.2023 (Annexure P-13) and 25.5.2023 (Annexure P-14) of co-accused Sampat and Kapil @ Sonu respectively.

2. For the reasons recorded in the application, the same is allowed and (Annexure P-13) and (Annexure P-14) are taken on record.

Main case

3. This is sixth petition seeking regular bail in FIR No. 318 dated 17.10.2018, under Sections 302, 323, 341, 365, 379-B, 506, 120-B, 34 IPC, 1860 and Section 25 of the Arms Act, 1959 (Sections 302, 379-B, 120-B IPC, 1860 added later on) registered at Police Station Sadar Narnaul, District Narnaul.

4. The earlier four petitions were dismissed as withdrawn with liberty to revive the prayer at later stage and fifth petition was dismissed as

withdrawn with liberty to make a request before the Court below for expeditious disposal of the trial.

3. Learned counsel for the petitioner claims parity with co-accused Rakesh who was granted bail by this court on 3.12.2019 in CRM-M- 43072 of 2019.

4. On 3.12.2019, the following order was passed :-

“By this petition, filed under the provisions of Section 439 of the Cr.P.C., the petitioner seeks the concession of 'regular bail'.

On 17.10.2019, the following order had been passed:-

“Learned counsel for the petitioner points to the testimony of PW-1 (copy Annexure P2), to submit that the said witness has specifically stated that he was seeing the petitioner for the first time in Court and therefore, obviously, he was never present at the spot of occurrence.

Learned State counsel seeks time to take instructions with regard to whether or not the petitioner has been identified by any of the other prosecution witnesses, who have testified so far.

Adjourned to 04.11.2019.”

Today, learned State counsel on instructions from the police official who is present in court to assist him, submits that as a matter of fact the only eye witness to the occurrence was the complainant himself and though he has supported the case of the prosecution against other co-accused, as regards the petitioner, he had stated that the petitioner was not actually present on the spot.

Without making any comment on the actual merits of the case for or against the petitioner, I consider it appropriate to admit the petitioner to bail during the pendency of the trial.

Consequently, this petition is allowed. The petitioner would be enlarged on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.”

5. Learned counsel for the State on instructions from Lady ASI Reetu No. 442, P.S. Sadar Narnaul though opposes the prayer for grant of bail, he is not in a position to distinguish the case of the petitioner qua the co-accused so far as grant of bail is concerned.

6. Without commenting on the merits of the case; on the basis of parity of the petitioner vis-a-vis co-accused so far as grant of bail is concerned and that all other co-accused have been granted bail and conclusion of trial is likely to take time, the petitioner is granted bail subject to her furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.
7. The petition is allowed.
8. Since the main case has been allowed, pending application(s), if any, is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

2nd June, 2023
anuradha

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