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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-17303-2022 (O&M)

Date of decision : 20.04.2023

Amita

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rajiv Rathor, Advocate,
for Mr. Rakesh Kumar Lathwal, Advocate,
for the petitioner.

Mr. RKS Brar, Addl.A.G., Haryana.

None for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in FIR No.812 dated 19.12.2018, under Sections 302, 328, 34 of the Indian Penal Code, 1860 (*for short 'the IPC'*), registered at Police Station Samalkha, District Panipat.

2. Allegations are that the petitioner along with co-accused, had committed the murder of one-Dalbir.

3. This Court granted interim bail to the petitioner on 04.05.2022, in the following manner:-

“Mr. Dharamveer Phour, Advocate has filed Power of Attorney on behalf of the complainant.

Learned Counsel for the petitioner submits that he is in custody for the last approximately three years & five months and co-accused have already been granted the

concession of regular bail. Also submits that trial is unnecessarily being delayed by the prosecution.

Learned State Counsel seeks time to verify the above factual position.

Posted on 20.07.2022.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on her furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

4. Learned counsel contends that petitioner was granted interim bail by this Court on 04.05.2022 and she is regularly appearing before learned trial Court. Further submits that out of 20 prosecution witnesses, 19 stand examined.

5. Learned State Counsel, on instructions, has fairly acknowledged the above factual position.

6. Heard learned counsel for both the sides and perused the paper book.

7. Petitioner was granted interim bail by this Court and she is regularly appearing before the Court below; and there is no allegation that she is likely to misuse the concession of bail or hamper the proceedings in any manner, in case her interim bail is made absolute; thus, sending the petitioner in custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 04.05.2022, is made absolute.

She shall be admitted to bail on her furnishing bail/surety bonds to the

satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

10. The above observations may not be construed as an expression of opinion on the merits of the case.

11. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

20.04.2023
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No