

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

CRM-M No.22990 of 2023
Date of decision: 28th August, 2023

Shimla

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sanjay Verma, Advocate for the petitioner.

Ms. Trishanjali Sharma, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.264 dated 27.12.2021 under Sections 148, 149, 323, 341, 506, 302, 201 IPC (Sections 25-54-59 of the Arms Act added later on) registered at Police Station Tigaon, District Faridabad.

2. Learned counsel for the petitioner inter alia contends that admittedly there was a history of strained relations between the parties and that was precisely the reason why the entire family of the petitioner was implicated in the case in hand. He submits that in the present case, a false version has been brought forth against the petitioner, who is a lady aged 40 years. While drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed with the petition, learned counsel submits that a perusal of the same reveals that no specific injury,

much less fatal, has been attributed to the petitioner. It has been further submitted that though it stands alleged in the FIR that the petitioner had attacked the deceased with knife, however, as per the post mortem report, only the following four injuries on the person of the deceased were found:

- (i) An incised wound of about 3.5 cm x 2 cm present over right pectoral region of chest. On further dissection right lung found ruptured with chest cavity full of blood.
- (ii) An incised wound of about 2 cm x 1 cm present 9 cm away from right nipple. On further dissection, ruptured liver found.
- (iii) An incised wound of about 2 cm x 1 cm present 3 cm lateral to right nipple.
- (iv) An incised wound of about 4 cm x 2 cm present over left forearm, Muscle deep.

Learned counsel submits that all these four injuries have been specifically attributed to co-accused Pawan, Rahul, Naresh and Dharamvir and not to the petitioner. He has further submitted that the petitioner has now been in custody for almost one year and six months, having been arrested on 22.03.2022 and the trial is unlikely to conclude in the near future as 24 prosecution witnesses still remain to be examined. It has also been submitted that since all the material witnesses including the complainant stand examined, further incarceration of the petitioner would serve no useful purpose as there could be no possibility of the

petitioner trying to tamper with the evidence, much less influence the eye-witnesses.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute that no specific injury had been attributed to the petitioner in the occurrence in question. However, she submits that the petitioner was an active participant in the crime in question, inasmuch as she had caught hold of the deceased by his arms while the co-accused inflicted knife blows on his person. However, learned State counsel has not disputed that all the material witnesses including the complainant stand examined. She submits that the complainant while stepping into the witness box, had supported the case of the prosecution in its entirety. On a pointed query put to the learned State counsel, she submits that the next date of hearing fixed before the trial Court is 03.11.2023, when some more prosecution witnesses out of remaining 24 are likely to be examined.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner, who is a lady, has now been in custody since 22.03.2022. As not disputed by the learned State counsel, no specific injury much less fatal has been attributed to the petitioner in the crime in question. It has also not been disputed that all the material witnesses stand examined. The trial is unlikely to conclude in the near future as 24 prosecution witnesses still remain to be examined. In the facts and

circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

August 28, 2023
rps

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