

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(209)

CRM-M-28243 of 2022
DATE OF DECISION:-20.02.2023

Kavita

...Petitioner

vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sushil Bhardwaj, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.630 dated 03.12.2020 under Section 148, 149, 302 IPC, registered at Police Station Sector 32/33 Karnal, (Haryana).

Learned counsel for the petitioner submits that the investigation in the present case already stands concluded with the filing of *challan* and even charges have been framed. The trial is likely to take some time as there are 20 witnesses cited by the prosecution whereas, only 3 has been examined so far that too in part; their examination-in-chief have been recorded. Learned counsel further submits that petitioner had suffered a long incarceration as she is in custody for the past more than 2 years and 2 months now and considering her age, petitioner deserves concession of regular bail.

On the other hand, learned State counsel opposes the prayer made herein while submitting that the petitioner played an active role in the alleged incident and thus, she does not deserve the concession of regular bail. He further submits that the statements of material independent witnesses have not been got recorded completely.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

The investigation in the present case already stands concluded with the filing of *challan*, even the charges have been framed. The petitioner is behind the bars for the past 2 years 2 months so far. Even the statements of 3 independent witnesses have not been recorded completely by the prosecution. The conclusion of the trial is likely to take time as there are 20 witnesses in total as cited by the prosecution and even on an application under Section 319 Cr.P.C., 2 other accused namely Ankit and Krishan have been ordered to be summoned by the trial Court. Petitioner being lady of 42 years of age has already suffered a long incarceration, there does not appear to be any justification for extending the same any further, thus, the petitioner deserves the concession of regular bail.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

20.02.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No