

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.37747 of 2023(O&M)
Date of Decision: 29.08.2023

Sangeeta

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Ivneet Singh Pabla, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. D.P.S. Bajwa, Advocate for
Mr. G.P.S Bal, Advocate
for the complainant.

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SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner Sangeeta wife of Sukhwinder, under Section 439 of the Code of Criminal Procedure for grant of regular bail to her in the following case (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
45	27.01.2023	148, 308, 323, 325, 452, 506, 149 of IPC	Naraingarh, District Ambala

2. Briefly stated the facts of the case are that the complainant Rakesh Kumar, in his complaint stated that on 17.12.2022 while he was

present in his house along with family, and his mother was sitting in the courtyard then accused Sukhwinder, Parvinder, Ram Kumar, Ram Lal, Raj Kumar, Sangeeta wife of Sukhwinder (present petitioner) and Karamjit wife of Parvinder who are their neighbours entered his house with their common intention armed with deadly weapons and had beaten him and his family members and also threatened to eliminate them. His mother was shifted to Hospital for medical treatment. Matter was reported to police but no action was taken and the complaint was filed in Court under Section 156(3) Cr.P.C. on the basis of which the present FIR (Annexure P-1) was registered.

3. The present petitioner namely Sangeeta was arrested on 14.07.2023.

4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case due to a dispute *inter se* neighbours regarding the water drain in the street. He submitted that the petitioner, a lady aged about 36 years is in custody since 14.07.2023 and the challan has already been presented in Court. He further submits that no specific overt act has been attributed to the petitioner nor any injury to the injured attributed to her. He submits that the complainant had named 7 persons as accused in the present case, however after investigation has exonerated 5 persons, hence he prayed for grant of bail to the petitioner.

5. Learned State counsel has contested the bail application by vehemently arguing that there is involvement of the petitioner in the occurrence in which mother of complainant sustained injuries. He submitted that challan has been presented in the case against the petitioner and her

husband while other 5 persons have been exonerated as such considering the gravity of offence the petitioner is not entitled to concession of bail.

6. The learned counsel appearing on behalf of the complainant has also assailed the version of the petitioner by arguing that there had been repeated quarrels and attacks on the complainant and his family. He submitted that earlier also on 06.10.2022 they were attacked by the petitioner and her family but no action was taken by the police and again on 17.12.2022 the present occurrence has taken place, due to dispute regarding the water course. He submitted that considering the gravity of the offence petitioner is not entitled to concession of bail.

7. Heard learned counsel for the parties.

8. After considering the rival contentions and perusing the record, it transpires that as per the version given by the complainant, 7 persons named in the FIR had entered his house armed with deadly weapons and caused injuries to his mother. Admittedly, after completion of investigation the challan has been presented by the police in Court only qua the present petitioner and her husband, while exonerating the other 5 persons named in the FIR. The petitioner is in judicial custody since 14.07.2023. The challan having been presented in Court, as such she is no more required for further investigation. No specific overt act has been attributed to the petitioner, nor any injury has been attributed to her. Even there is no other criminal case pending against the petitioner as has been mentioned by learned State counsel. The conclusion of trial will take considerable time and in the circumstances of the case, it is observed that no purpose would be served by keeping the petitioner, a lady in custody any longer.

9. Consequently, in the light of the above, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.
10. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
11. CRM application if any shall also stand disposed of.

(SANJIV BERRY)

JUDGE

29.08.2023

Gyan

- i)

Whether speaking/reasoned?

Yes/No
- ii)

Whether reportable?

Yes/No