

223
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41101-2023(O&M)

Date of Decision: 28.08.2023

Soniya

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Manoj Chahal, Advocate, for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.312 dated 27.10.2022, under Sections 148, 149, 323, 506, 307, 302, 120-B IPC, registered at Police Station Badhra, District Charkhi Dadri.

2. Learned counsel for the petitioner has submitted that the petitioner is a lady of the age of 22 years and she is having an eight months old child with her in the jail premises. He submitted that as per the allegations a fight had taken place whereby allegedly the brother of the husband of the petitioner namely Vishal was attributable role of causing injuries and thereafter in a subsequent incident the various other relatives of the aforesaid Vishal was called and they also started beatings. He submitted that so far as the present petitioner is concerned, she has not been named in

the FIR and there is no specific role or overt act attributable to the petitioner and she has been falsely implicated in the present case only by virtue of being wife of one Vikash who is the brother of the other co-accused namely Vishal who has been specifically named in the FIR. He further submitted that now the investigation of the case has been completed and challan has been presented and no recovery is to be effected from the petitioner. He submitted that the petitioner is a lady and she is having an eight months old child with her in the jail premises who is also suffering from acute eye infection and therefore, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Ms. Harpreet Kaur, AAG, Haryana has submitted that it is correct that the petitioner is a lady and is having an eight months child with her in the jail premises and she is in custody for more than 8 months and investigation of the case has been completed. She also submitted on instructions from ASI Jagjit that in the CCTV footage although the petitioner was found to be present but there is no direct attribution pertaining to any injury caused by her. She submitted that a danda was recovered from the present petitioner.

4. I have heard the learned counsel for the parties.

5. The petitioner is stated to be a lady of the age of 22 years and is having 8 months old child with her in the jail premises who is stated to be having acute eye infection. The petitioner is not named in the FIR and as per the allegations in the subsequent incident some of the relatives of the other co-accused namely Vishal were called who gave beatings. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then she

may influence any witness or may tamper with evidence or may flee from justice. After hearing the learned counsel for the parties, this Court is of the view that considering the aforesaid facts and circumstances, the petitioner deserves the concession of regular bail.

6. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

28.08.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No