

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-46036-2023
Date of decision:-19.09.2023

Mukesh Rani @ Mukesh

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr.Ajay Nain, Advocate
for the petitioner.

Mr.R.S. Chauhan, AAG, Haryana.

Mr.Vikas Bishnoi, Advocate
for the complainant.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
69	25.02.2023	Bhuna, District Fatehabad	120-B, 147, 148, 149, 302, 323, 342 IPC

2. Case of the prosecution is that FIR, Annexure P1, has been registered on the statement of Suman wife of Kuldip Singh. She stated that

when her husband Kuldip Singh, who was riding a motorcycle reached near the house of Shishpal, then Shishpal, Salinder, Uttam @ Suresh Kumar, Satbir, Sandeep and Akash armed with wooden sticks, spade handle and bricks, came out of the house and forcibly took him inside. Shishpal closed the gates of the house and all of them mercilessly assaulted her husband. Kuldip Singh raised an alarm and complainant brought her mother-in-law to the place of occurrence. Shishpal open the gate of the house and hit her mother-in-law on the face with a brickbat. Uttam @ Suresh pushed her and she fell down. Suresh came to the spot and the accused fled away, leaving behind the weapons of offence. Police was informed and Kuldip Singh, who was bleeding was taken to Government Hospital but he was declared as brought dead. It has been further stated that Ravita wife of Uttam @ Suresh and Mukesh Rani, present petitioner, wife of Salinder were also involved in the incident.

3. Counsel for the petitioner has contended that the petitioner has not been accused of inflicting any injury on the deceased. He submits that her name does not even find mention amongst the names of accused, who had attacked complainant's husband and she has been implicated on an after-thought as she is married to one of the accused. By referring to Aadhar Cards, Annexures P3 and P4, counsel submits that petitioner is mother of two young children, aged 15 and 14 years, respectively, who are in the custody of relatives as the petitioners's husband is in detention. He asserts that as the investigation has been concluded and challan has been presented, petitioner deserves to be enlarged on bail.

4.

Per contra, State counsel on instructions from ASI Dalbir Singh has opposed the petition. He is assisted by the counsel for the complainant. They could not disputed that no injury had been attributed to the petitioner. As per the State counsel, charge has been framed on 16.08.2023 but none out of 14 prosecution witnesses has been examined.
5.

I have heard counsel for the parties and considered their respective submissions.
6.

Petitioner is a young lady of 35 years of age with two teen aged children. There is no specific attribution of any injury to the petitioner, although her husband has been named as one of the assailants. Investigation qua the petitioner is complete and after the framing of the charge, trial has started, which is at a nascent stage. Noticing the above circumstances, this Court is of the view that the petitioner deserves to be enlarged on bail.
7.

Without advertng to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.
8.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)

JUDGE

19.09.2023

Brij

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No