

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

**CRM-M-49721-2023 (O&M)
Date of Decision: 30.10.2023**

SHAMA DEVI

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Chahit Bansal, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG Haryana.

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VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 116 dated 22.05.2022 under Sections 346, 328, 376-D, 120-B, 109 IPC, registered at Police Station Jhansa, District Kurukshetra,

2. Learned counsel for the petitioner contends that the petitioner along with the co-accused Sonu and Ravi Singh have been summoned under Section 319 Cr.P.C. during the course of trial. The co-accused Sonu and Ravi Singh have been granted anticipatory bail. Initially, the petitioner had also approached this Court for anticipatory bail and in terms of the order dated 26.06.2023 passed by the Co-ordinate Bench in CRM-M-31192-2023, the petitioner was granted interim bail. She was also directed to surrender in the trial Court. Thereafter, in terms of the order dated 02.08.2023, the petitioner was directed to surrender in the Trial Court on or before 08.08.2023 and on her doing so, she was directed to be released on interim

bail to the satisfaction of learned trial Court. However, the petitioner could

not surrender in the trial Court on 08.08.2023. She surrendered in the Court at a subsequent stage and her arrest was effected. Consequently, the application for anticipatory bail was dismissed having been rendered infructuous

3. Learned State counsel has opposed the bail application on the score that there are specific and categoric allegations against the petitioner.

4. It is significant to note that the petitioner has been summoned under Section 319 Cr.P.C. and the co-accused, who have also been summoned under Section 319 Cr.P.C. have been granted anticipatory bail. The petitioner is in custody for a period of 1 month and 28 days. The genuineness of the allegations against her will be a debatable and moot point during the course of trial. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

5. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

6. The petition is allowed.

30.10.2023

Janki

**(VIVEK PURI)
JUDGE**

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