

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

CRM-M-53963-2022
Date of Decision: 19.07.2023

Rambarti @ Ramwati

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Deepakaran Dalal, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mr. Maninder Arora, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.150 dated 26.05.2022 registered under Sections 323, 307, 302, 120-B of IPC and Section 25-54-59 of Arms Act, at Police Station Mundkati, District Palwal, Haryana.

The FIR in the present case was got registered by Narender son of Bharat. As per the allegations, on the date of occurrence Lalit @ Lalti son of Jasmat, Sumit son of Tarachand @ Pappu and Sunder son of Ombir, came on one motorbike and all of them were having separate country made pistols in their hand and on arrival, they fired a shot on his brother. After that, all the three assailants left the place with their respective weapons. The complainant rushed at the spot and saw that his father was also shot by all the three assailants and his father was unconscious. He shifted his brother Sumit

and his father Bharat to government Hospital Palwal, where the doctor declared his brother Sumit to be dead and referred his father to Escorts Fortis Hospital, Faridabad due to his serious injuries. The complainant further alleged that Rambarti @ Ramwati, the petitioner was also involved in the crime. With these main allegations, the FIR was registered in the present case.

Learned counsel for the petitioner contends that Lalit @ Lalti son of Jasmat, Sumit son of Tarachand @ Pappu and Sunder son of Ombir have been arrested in the present case and the final report has been presented before the learned trial Court. As per the final report under Section 173 Cr.P.C. also, the petitioner was not present at the spot and no overt act has been attributed to her. It has been alleged that the petitioner had only conspired with the main assailants. Learned counsel further contends that she has been falsely implicated as she happens to be mother of the main accused Lalit @ Lalti. He further contends that the petitioner is in custody since 27.05.2022 and the investigation is complete. Learned counsel further contends that out of total 33 witnesses, only three witnesses have been examined. He further contends that the complainant and one eye-witness have already been examined and there are no chances of influencing the witnesses of the prosecution.

Learned State counsel, assisted by ASI Varun Sharma, has vehemently opposed the grant of concession of bail to the petitioner on the ground that she has instigated all other accused to commit the crime.

Learned counsel for the complainant contends that admittedly, there was a land dispute between the parties and due to the said dispute, she had abetted the commission of crime and does not deserve the concession of bail.

I have learned counsel for the parties and perused the record with their assistance.

It is not in dispute that the petitioner was not present at the place of commission of crime and she has been implicated in the crime with the aid of Section 120-B. Even no overt act has been attributed to the present petitioner. Moreover, she is a lady and is in custody since 27.05.2022. The complainant has already been examined in the present case and further custody of the petitioner will serve no meaningful purpose.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

19.07.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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