

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

212

CRM-M-59347-2022
Date of decision:10.10.2023

Kavita @ Kavita Sharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. R. N. Lohan and
Mr. Kuldeep Sharma, Advocates for the petitioner

Mr. Baljinder Singh Virk, Sr. DAG, Haryana

AMAN CHAUDHARY, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 91 dated 30.05.2022, registered under Sections 306, 384, 201 and 34 IPC at Police Station Satnali, District Mahendergarh.

2. Learned counsel contends that the petitioner has been in custody for 1 year and about 3 months. The allegations against her of having blackmailed on account of which the deceased was transferring money is belied from the account statements, Annexure P-2, as per which almost equal, if not more, amount was transferred by the petitioner in the account of the deceased. Ingredients of Sections 107 and 306 IPC are not made out. The suicide note, which was sent for FSL examination, was withdrawn by the prosecution. Charges were framed on 15.10.2022 and 4 out of 20 prosecution witnesses were examined, however, there was an application under Section 319 Cr.P.C., which was allowed and co-accused

Randhir Sharma has been summoned, against whom charges are yet to be framed.

The petitioner is not involved in any other case.

3. The custody certificate dated 09.10.2023 filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for the last 1 year, 3 months and 04 days.

4. Learned State counsel opposes the bail on the ground that there is evidence of blackmailing the deceased by the petitioner. However, he is unable to controvert the submissions with regard to the stage of the case and the petitioner being not involved in any other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner has been in custody since last 1 year 03 months and 04 days; not involved in any other case; charges were framed, however, out of 20 prosecution witnesses, only 4 were examined; the trial is likely to take considerable time, thus, her further incarceration would not serve any useful purpose, as such the present petition for grant of regular bail deserves to be allowed.

7. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to her furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to her not being required in any other case. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific

order of Court.

- (iv) The petitioner shall not commit an offence similar to the offence of which, she is an accused, or for commission of which she is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish her address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. It is made clear that in case of any infraction of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

10.10.2023

Mehak

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No