

CRM-M-57602-2023

2023:PHHC:147763

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-57602-2023

Date of Decision : November 21, 2023

BABLI DEVI

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sunil Sihag, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.433 dated 7.10.2023, Under Section 436 IPC, registered at Police Station Ellenabad, District Sirsa.

2. The allegations against the petitioner are that she set the house of the complainant on fire.

3. Learned counsel for the petitioner submits that the instant FIR has been registered on the basis of a complaint made by Vidya Devi, who as per the allegations lodged the instant FIR on the basis of hear-say evidence. A perusal of the FIR reveals that the complainant was informed by her neighbours qua the role of the petitioner. The allegations against the petitioner are yet to be established by the prosecution by way of leading evidence before the learned trial Court.

He further submitted that the investigation stands completed but yet the final report has not been filed before the concerned Ilqa Magistrate.

4. Per contra, the learned State counsel has opposed the asked for relief and submits that the investigation is yet to be completed and the instant act of the petitioner invites the penal provisions of Section 436 IPC, which is punishable upto 10 years and triable by the Court of Sessions.

5. Considering the fact that the petitioner is ready to face the trial and she is behind the bars since 9.10.2023, and the investigation is yet to be completed, this Court deems it appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is allowed.

6. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

7. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

November 21, 2023
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No