

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-1059-2024 (O&M)
Date of Decision:-16.1.2024

Kahkasha Parveen @ Shabana Parveen ... Petitioner
Versus
State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Deepender Singh, Advocate for the petitioner.
Mr. Munish Sharma, DAG, Haryana,
assisted by SHO, P.S. Palla, Faridabad.

FIR No.	Dated	Police Station	Section/s
032	22.1.2021	Palla, District Faridabad (Haryana)	302 of Indian Penal Code and Sections 25/54/59 of Arms Act, wherein offences under Sections 201, 120-B and 34 of IPC were added later on.

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of the aforementioned FIR.
2. The FIR was lodged by none else but is the petitioner herself, wherein it is alleged that on 21.1.2021 at about 7:30 p.m. when she was cooking food in the kitchen, she heard a noise of firearm shot and when she came out in the street, she saw that her husband was lying in front of the shop bleeding from

his chest. Although she alongwith her neighbour Dharmender took her husband to hospital, but he was declared dead. It is further the case of prosecution that during the course of investigation, the statement of one Chiranji Lal was recorded, who stated that he is running a “Pan, Biri” shop in front of house of Azaz Khan (deceased) and that wife of Azaz Khan i.e. the petitioner was in touch with two boys namely Bhima @ Mukesh and Monu Kumar and also with her nephew Pinku, who used to visit the petitioner frequently. The aforesaid Chiranji Lal alleged that on 12.1.2021, when he was sitting in his shop two boys came on a motorcycle and that the motorcycle was being driven by Monu while Bhima @ Mukesh was sitting on the pillion seat and Bhima @ Mukesh fired at Azaz Khan. He further alleged that the aforesaid persons had killed Azaz Khan in connivance with the petitioner.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that the petitioner, who is basically the complainant, was made an accused solely on the basis of a statement made by Chiranji Lal and that when said Chiranji Lal was examined during the proceedings of trial, he did not support the case of prosecution at all. Learned counsel, in this regard, has referred to the statement of Chiranji Lal, annexed with the petition as Annexure P-3.
4. Opposing the petition, learned State counsel has submitted that since Chiranji Lal running a shop in front of house of the petitioner, where the occurrence had taken place, the first version given by him as recorded in the DDR (Annexure P-2) is actually the correct version, but apparently he has been won over by the petitioner subsequently. It has, however, been informed that the petitioner as on date has been behind bars since the last about 2 years, 11 months and 6 days and is otherwise not involved in any other case.

5. This Court has considered the rival submissions addressed before this Court.
6. The petitioner, who had herself lodged the FIR was arrayed as an accused later on the basis of statement of Chiranji Lal. Said Chiranji Lal has somehow not supported the case of prosecution and has resiled. The petitioner, who is a lady, has been behind bars for a substantial period of more than 2 years and 11 months. Conclusion of trial is likely to consume time inasmuch only 5 PWs out of the cited 30 PWs have been examined so far. In these circumstance, further detention of the petitioner will not serve any useful purpose. The instant petition, as such, is allowed and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

16.1.2024
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No