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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17092-2024
Date of Decision:- 10.05.2024

SUJATA ..Petitioner

Versus

STATE OF HARYANA ...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Sanpreet Sandhu, Advocate for petitioner.

Mr. Deepak Grewal, DAG, Haryana.

AMARJOT BHATTI, J. (Oral)

1. The petitioner - Sujata has filed the instant 2nd petition under Section 439 of Cr.P.C. seeking regular bail in FIR No.726 dated 10.11.2021 under Sections 302, 307, 201, 212, 354-D, 506, 148, 149, 34 of IPC and Section 25/27 of Arms Act, registered at Police Station Kharkhoda, District Sonipat.
2. The facts of the case are that complainant - Dhanpati gave her statement to the police that she is mother of three daughters and a son. Her two daughters are married and her daughter Nisha and younger son Suraj were studying. Her husband was serving in CRPF. Pawan son of Ram Niwas was running Sushil Wrestling Academy and her daughter Nisha was getting training in the said Academy from Coach Pawan for the last about three



years. Coach Pawan used to visit their house. Her daughter Nisha informed her that Coach Pawan used to misbehave with her. The complainant requested him to mend his ways but he did not listen. On the day of occurrence her daughter Nisha returned home after practice and at about 1:00 p.m. she again went back to Academy. After some time she received a call from Coach Pawan that Nisha was not well. She along with her son Suraj went to the academy on motorcycle to bring her back. Nisha came towards the main gate followed by her Coach Pawan, his wife, Sachin and Amit. Her daughter came to her and informed that her Coach Pawan again misbehaved with her and threatened to kill her. All of a sudden Coach Pawan took out his pistol and fired several shots towards her daughter Nisha due to which she fell down on the spot. Out of fear the complainant ran towards village Nahri. Coach Pawan along with his wife and companions caught hold of her outside the gate of the academy and fired shot towards her. Thereafter, wife of Pawan, Sachin, Amit and their other companions ran towards her son Suraj and Coach Pawan fired a gunshot at Suraj due to which he died on the spot. She was admitted in the hospital for treatment. With these allegations, present FIR has been registered.

3. Learned counsel for petitioner argued that petitioner is falsely implicated in this case. All allegations were levelled against Pawan who is husband of petitioner. In-fact, petitioner was empty handed and she has been arrayed with aid of Section 149 IPC. No recovery was effected from her. She was arrested on 11.11.2021. Her custody is for a period of more than 2 ½ years. Till date 9 prosecution witnesses have been examined. Trial of this case may take long time. Her earlier bail application bearing CRM-M-59330-2022 was declined by this Court vide order dated 31.01.2023 which is Annexure P-4. She is not involved in any other case.



She is ready to abide by terms of bail order. Therefore, her second regular bail application may be allowed.

4. Bail application is opposed by learned counsel representing the State. It is pointed out that there is no valid ground to file second regular bail application as her first bail application was declined on merits. Prosecution has examined 12 witnesses out of the list of 44 witnesses. The allegations are specific and serious in nature. In the case in hand, Nisha daughter and Suraj younger son were murdered in the presence of their mother Dhanpati/complainant who had also received firearm injury. Therefore, considering gravity of offence, present petitioner is not entitled to be released on regular bail.

5. I have considered arguments and have gone through the record. It is matter of record that first regular bail application filed by present petitioner was declined by this Court on merits in CRM-M-59330-2022 vide order dated 31.01.2023, which is Annexure P-4. Status report filed by learned counsel representing the State indicates that challan was presented on 21.01.2022 and after framing of chargesheet on 26.05.2022, prosecution has already examined 12 witnesses including complainant Dhanpati, Sumit, Amit and Poonam along with Doctor and police officials. The record shows that trial of this case is under progress. The statements of witnesses are placed on record as Annexure P-5 to P-13. Complainant Dhanpati has supported her version. It cannot be ignored that on the day of occurrence Nisha daughter and Suraj son of the complainant were murdered in the presence of their mother. She was also injured in the occurrence. Present petitioner along with other accused is specifically named. Considering the gravity of offence and the manner in which it has

been committed, I do not find a fit case for grant of regular bail and the same is, accordingly, declined. It cannot be ignored that present petitioner is behind the bars since 11.11.2021, therefore, trial Court is directed to expedite the trial and to decide the same as per law.

10.05.2024
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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No