

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17373-2024
Decided On: 16.04.2024

TRIVENI

.....PETITIONER(s)

Versus

STATE OF HARYANA

.....RESPONDENT(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Deepender Singh, Advocate
for the petitioner.

Ms. Jasleen Chahal, AAG, Haryana.

Mr. Rahul Vats, Advocate
for the complainant.

MANJARI NEHRU KAUL, J.(Oral)

1. The instant second petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.72 dated 18.03.2021 under Sections 148, 149, 302, 323, 506 IPC (Section 325, 326 and 34 IPC added later on) and Section 25/54/59 of Arms Act registered at Police Station Chand Hut, District Palwal (Haryana).
2. Learned counsel for the petitioner, at the outset, has drawn the attention of this Court to Annexure P-3 dated 09.12.2021, a status report filed by the investigating agency with respect to the investigation carried out against the petitioner and two co-accused namely Raj Kumar and Jyoti, wherein it has been categorically stated that the petitioner as well as co-accused Jyoti were found innocent since they were not present at the time of alleged occurrence. Learned counsel submits that subsequently a supplementary challan was presented,

wherein the police came up with a contrary version, leading to the petitioner being challaned. Learned counsel while drawing the attention of this Court to the allegations levelled in the FIR in question, annexed as Annexure P-1, has still further submitted that a perusal of the same reveals that no doubt the petitioner was named therein and she was allegedly armed with an axe, however, no injury had been attributed to her on the person of the deceased; evidently the complainant party had tried to implicate the entire family of the accused including the petitioner for reasons but obvious. It has further been submitted that the petitioner, who is a lady, has now been in custody since 31.12.2022 and there is no likelihood of the trial concluding in the near future as only 04 prosecution witnesses including the complainant and alleged stamped witnesses out of the 45 cited stand examined, hence, her further incarceration would serve no useful purpose as there could be no apprehension of the petitioner intimidating or influencing the witnesses.

3. On a pointed query put to the learned counsel for the petitioner as to whether she has any criminal antecedents, he has replied in the negative.

4. Learned State counsel has produced the custody certificate of the petitioner in Court today, which is taken on record. Copy of the same has also been furnished to the counsel opposite.

5. Learned State counsel assisted by counsel for the complainant has vehemently opposed the prayer and submissions made by the learned counsel for the petitioner. On instructions, it has not been disputed that initially the petitioner as well as co-accused Jyoti (who has since been enlarged on bail by the learned trial Court) were indeed found innocent and it was only later a supplementary challan was presented qua them.

6. Learned counsel for the respondent/complainant has also not disputed that in the FIR in question, the petitioner had not been attributed any injury on the person of the deceased, however it has been submitted that the petitioner inflicted injuries on the person of two persons i.e. Sahil and Manisha. Furthermore, though in the FIR, the petitioner had not been attributed any injury on the person of the deceased but while stepping into the witness box, the complainant had categorically deposed that the petitioner had also inflicted an injury on the shoulder of the deceased.

7. Learned State counsel, on further instructions, has not disputed that co-accused Jyoti, who was attributed an injury on the person of the deceased, had been enlarged on bail, however, she has submitted that she was granted bail as one of the injured witnesses while stepping into the witness box had deposed that she was not present at the time of alleged occurrence.

8. I have heard learned counsel for the parties and perused the material placed on record.

9. Undisputedly, the petitioner and the co-accused Jyoti were found innocent by the investigating agency during the investigation but both were subsequently challaned. No injury was admittedly attributed to the petitioner on the person of the deceased in the FIR; the complainant and one of the injured witnesses stand examined, the petitioner has been in custody since 31.12.2022, however, there is no likelihood of the trial concluding in the near future as 41 prosecution witnesses still remain to be examined. In the facts and circumstances as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed; the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

16.04.2024

Aman Dua

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No