

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-18017-2024

Date of decision: 19.04.2024

Poonam alias Pannu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gurdarshan Singh Sidhu, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.278 dated 10.05.2023 under Sections 201, 302, 342, 34 of the IPC (Sections 120-B, 147, 148, 149, 328 of the IPC added and Section 34 of the IPC deleted lateron) registered at Police Station City Mandi Dabwali, District Sirsa.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been in custody for almost a year having been arrested on 28.05.2023 in an apparent case of false implication. While drawing the attention of this Court to the allegations levelled in the FIR (Annexure P-1), it has been vehemently submitted that a perusal of the same clearly reveals that neither is the petitioner named therein nor is there any suspicion raised qua her involvement in the unnatural death of deceased Sikandar. Learned counsel has submitted that even otherwise the petitioner had no motive to commit the crime in question much less connived with the co-accused who allegedly assaulted the

deceased to death with knives etc. Learned counsel has submitted that after the charges were framed on 17.10.2023, none of the 17 prosecution witnesses had been examined till date and thus, there was no likelihood of the trial concluding in the near future.

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

4. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from SI Shalender Kumar, has not been able to dispute the contents of the FIR which are reproduced hereinunder:-

“Statement of Santosh Kumari W/o Piare Lal, R/o Ward No.15, Bablu M.C. Wali Gali, Mandi Dabwali, aged 60 years. It is stated that I am a resident of the above-mentioned address and I am a labourer. My husband has died. I have 4 children, i.e. three daughters and one son, whose name is Sikandar, aged 40 years. All four of my children are married and my son Sikandar also has two children. My son Sikandar used to consume some drugs etc. My son was having visiting terms with Saroj Rani W/o Darshan, caste Suniar, resident of Harbhagwan Wale Aarey Ki Gali, Prem Nagar, Mandi Dabwali for the last 7/8 years. Yesterday on 09.05.2023 in the morning, my son Sikandar went away by telling me that he has to bring money borrowed by Saroj and her son Bobby, and he has not returned till date. Today on 10.05.2023, at around 11.00 am, my niece Reshma W/o Ravi, resident of Ward No.13, Dabwali came to my house and told me that my son Sikandar is tied by Saroj Rani w/o Darshan Singh and Bobby/Darshan Singh Soni, resident of Prem Nagar, Dabwali in their house and Saroj, Bobby and some other people are causing injuries to Sikandar with knives, awls (Sooa) and other weapons with intention to kill him. When I asked my niece Reshma, who told you about this, she said that she had received a phone call from a boy named Sony. I reached at the house of Saroj Rani with other people by sitting on Reshma Devi's scooter. I saw that Saroj Rani, her son Bobby and other people were taking away my son from their home in an e-rickshaw. I started calling other people and reached at Government Hospital, Dabwali, where Saroj, her son Bobby and other persons left my son

Sikandar at the hospital and fled away. When I and others went inside and asked the doctor, the hospital staff said that said persons brought the boy named Sikandar dead and left him in a dead condition. When I saw the body of my son, there were injury marks on his body, due to which my son died. Saroj Rani, Bobby and others have killed my son Sikandar due to not giving the money borrowed from Sikandar and due to some other enmity. Legal action may kindly be taken against them. The statement has been recorded and heard the same is admitted to be correct. Sd/- Santosh. Santosh after admitting her statement to be correct. Sd/- ”

5. Learned State counsel has also not been able to dispute that no specific role much less injury has been attributed to the petitioner in the case in hand which rests on circumstantial evidence. Learned counsel for the State on instructions has, however, submitted that when the deceased was being inflicted fatal injuries by the co-accused, the petitioner was very much present at the time of the alleged occurrence. On a pointed query put to the learned State counsel as to whether any motive had been attributed to the petitioner to connive with the co-accused to commit the crime in question, he, on instructions, has replied in the negative but has stated that she being present with the prime accused at the time of the occurrence in question, went a long way to discern that she too had a motive to commit the crime in question. Learned State counsel, on further instructions, has conceded that as many as 17 witnesses have been cited by the prosecution, however, none of the witnesses have been examined till date.

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

7. A perusal of the FIR which has been reproduced hereinabove makes it abundantly clear that the petitioner is neither

named in the FIR in question nor any suspicion raised qua her involvement in the murder of deceased Sikandar. The only role attributed to the petitioner, as per instructions received by the learned State counsel is that she was present along with the co-accused when they inflicted fatal injuries on the deceased. Since there is no likelihood of the trial concluding in the near future, further incarceration of the petitioner would serve no useful purpose. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on her furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

19.04.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No