



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-23233-2024
Date of decision: July 29th, 2024

Anguri Devi alias Pooja

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. G.S. Sidhu, Advocate
with Mr. R.S. Gill, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, Assistant Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.278 dated 10.05.2023 under Sections 201, 302, 342, 34 (Sections 120-B, 147, 148, 149, 328 added and Section 34 deleted later on) of the IPC registered at Police Station City Mandi Dabwali, District Sirsa.

2. Learned counsel for the petitioner submits that the false implication of the petitioner in the FIR in question is evident from the fact that although it was alleged to be an eyewitness account, however, the complainant i.e. mother of deceased Santosh Kumari, while stepping into the witness box as PW-1, had not supported the case of the prosecution and was declared hostile during trial. Learned counsel has further submitted that a perusal of the FIR, which has been annexed as Annexure P-1 reveals that the petitioner had neither been named therein or was there any attribution levelled against him much less by way of a

whisper, which clearly points to his innocence in the crime in question. A prayer has, therefore, been made that in the aforementioned facts and circumstances, since the most material witness i.e. the complainant has already been examined and as already stated, has been declared hostile, further incarceration of the petitioner would serve no useful purpose as 18 prosecution witnesses still remain to be examined.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has drawn the attention of this Court to the FIR, which stands 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. D 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.”

4. Learned State counsel has submitted that the FIR in question was lodged by the mother of the deceased, wherein though the petitioner was not named, however, it had been categorically stated that all the co-accused, armed with lethal weapons, had attacked her son and inflicted fatal injuries on him. Learned State counsel has, however, not disputed that the complainant had been declared hostile during trial and now 18 more prosecution witnesses remain to be examined.

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

6. The petitioner has been in custody since 31.07.2023. The sole material witness I.e.t he complainant (mother of the deceased) already stands examined and did not support the case of the prosecution.

7. In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner would serve no useful purpose as the trial would take considerable time to conclude, coupled with the fact as not disputed by the learned State counsel, the petitioner has no criminal antecedents.

8. Accordingly, the instant petition is allowed. The petitioner be admitted to bail 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.

9. Needless to say, in case the petitioner misuses the concession of bail granted to her, the State would be at liberty to seek cancellation of the same.

July 29th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No