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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-25753-2024
Decided on : 29.08.2024

SHAKUNTALA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.5 dated 22.01.2024 under Sections 120-B, 148, 149, 302, 341, 506 IPC (Section 180 IPC added later on and Sections 148 and 149 deleted later on in Challan) registered at Police Station Machhroli, District Jhajjar.

2. The brief facts of the FIR is reproduced as under:-

“FIR No.5 dated 22.01.24 U/s 120-B,148,149,302,341, under:-506 IPC 1860, PS Machhroli District Jhajjar. TO the SHO PS Machhroli, Respected Sir, it is submitted that I Chetan s/o Rajinder am resident of Aasadpur Khera Distt. Jhajjar. My age is 22 years. Age of my father Rajinder Singh was around 55 years and he was handicapped with one foot. Today at about 10 AM, he went to our plot on his tri-cycle. At about 11.30 AM, I was also going to plot situated in village from my house through outer road of village. On the way, I saw that Shakuntala w/o Dhanpat r/o Asadpur Khera stopped tri-cycle (which is given to disabled person) of my father in front of her house. Lalit,



Arjun sons of Dhanpat and Pawan s/o Dhanpat and other 5/6 unknown young persons were saying that today he should not be spared. In the meantime, Lalit gave a blow of Axe held by him in his hand, on the head of my father. Arjun snatched Axe from Lalit and gave blow on the head and then on left foot of my father. Shakuntala who was carrying stick in her hand who was Tashing stick towards my father. I rushed towards my father to save him. Abovesaid all threatened that they will kill entire family if any action is taken against them. Some days ago, Renu d/o Dhanpat also came who also abused and extended life threats to us. About 13/14 days ago, my uncle Krishan saw Lalit and Pawan sons of Dhanpat coming out with wooden sticks at night from the plot owned by Satish situated at village. Therefore Shakuntala, Lalit and Pawan quarreled with us. Due to abovesaid grudge, abovesaid all killed my father Rajinder by stopping him on the way. Due to injuries inflicted by afore mentioned persons, I took my father to Civil Hospital, Jhajjar for treatment but doctor declared him died. Action be taken against abovesaid persons. Dt.22.1.24, Sd/-Chetan, S/o Rajinder Singh resident of Asadpur Khera 9350799101, 8059307008.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner is a 70 year old ailing widow lady and has been falsely implicated in this case. As per the FIR, alleged injury attributed to the petitioner is only a stick blow. She has undergone surgery for vaginal hysterectomy with pelvic floor repair and is undergoing medical treatment. He further submits that the petitioner has already undergone an actual custody of 07 months and 05 days and there is no other case pending against her.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. As per the custody



certificate, the petitioner has undergone actual custody of 07 months and 05 days and there is no other case pending against the petitioner. Moreover, on instructions from ASI Rajiv Kumar, he submits that charges were framed on 15.07.2024. He also submits that out of total 23 prosecution witnesses, none has been examined till date. He however, submits that in view of the serious allegations against the petitioner, she is not entitled to the concession of regular bail.

5. Heard the rival submissions made by both the parties.

6. The veracity of the allegations levelled against the petitioner shall be established during the course of the trial. Admittedly, charges have been framed on 15.07.2024 and out of 23 prosecution witnesses, none has been examined till date. The alleged injury attributed to the petitioner is a stick blow on the deceased and she has undergone medical treatment for hysterectomy. The petitioner has undergone actual custody of 07 months and 05 days and she is not involved in any other criminal case.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

(i) The petitioner will not tamper with the evidence during the trial.

(ii) The petitioner will not pressurize/intimidate the prosecution witness(s).

(iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.

(iv) The petitioner shall not commit an offence similar to the offence



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of which he is accused of, or for commission of which he is suspected.

(v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(KIRTI SINGH)
JUDGE

29.08.2024
Kavita

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No