

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31672-2024
Reserved on: 09.08.2024
Pronounced on: 30.08.2024

Mahi Sharma ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Manjeet Saini, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
148	27.05.2023	Rajendra Park, District Gurugram	302, 323, 34, 365, 201 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. In paragraph 17 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“The complainant further asserted that on 26.05.2023, he received a telephonic information from JVS company at around 08:00 a.m. that his brother Ajeet was injured. Upon receipt of this information, he along-with his brother Sumit Kumar and cousin Rohit Kumar went to village Makrola, Gurugram in an Eco car bearing registration No. HR-26ED-2479, along with driver Joginder and got his brother admitted in Rao Tula Ram Samarak Hospital, Jafarpur, New Delhi. There his brother Ajeet told him that on the intervening night of 25/26.05.2023 at around 12:00 p.m. to 01:00 a.m. he was sleeping at his rented room when two boys came there and started beating him without any reason and took him to Baghi Karate Academy, Makrola and kept him captivated there for two hours. Thereafter, three men came and started beating him up with sticks, ropes and fists. One of the men was Sudhir, who was the

Director of Baghi Karate Academy and other were Vishal and Anshul (petitioners herein) who were students of the Baghi Karate Academy and they left him there after two hours. It was further stated that when he was unable to attend to his duty the next day, then his colleague Satish called him and when he informed him about his situation, then his colleague Satish came and informed his brother and Ajeet was thereafter admitted to Rao Tula Ram Samark Hospital and he was discharged from the hospital, however, when they reached near Bijwasan deceased Ajeet was not feeling well and was again admitted to Rao Tula Ram Hospital, where he was declared as having brought dead. On the basis of these allegations, the FIR aforementioned was registered and investigations were taken up in the matter.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:-

“5. That the petitioner was arrested along with co- accused Anshul, Vishal and Sudhir upon receipt of the appropriate incriminating evidence against them on 27.05.2024. They were interrogated while being in custody and upon interrogation they suffered their respective disclosure statements admitting their involvement in the commission of the present crime and in pursuance thereof, co-accused Vishal got recovered the golden colored skipping rope and plastic danda; co-accused Sudhir got recovered one mobile iphone bearing SIM card no. 7056839708, one light black colored skipping rope and one plastic danda, one pen drive 32GB Sandisk containing the video of the assault which was made using Sudhir's mobile phone and the petitioner got recovered his mobile iphone 9255579746, one light black colored skipping rope and one plastic danda and the blood-stained semi-washed clothes worn at the time of the offence by him. Offence punishable under Section 201 IPC was added to the present case. Further, the arrested accused afore named got demarcated the place of occurrence.

10. That as per the investigation, petitioner had actively participated in the commission of the crime. Petitioner was training at

the Baghi Karate Academy. Her complicity is writ at large in the present crime as she had called the other co-accused and had accompanied them and had beaten Ajeet at his room and had later taken him away to their academy and had brutally beaten the deceased Ajeet to death and there is sufficient incriminating against the petitioner to prove her complicity in the present crime.”

7. A prima facie analysis of the evidence nether indicates any motive of the petitioner nor her active role in the assault.

8. Further, as per para 9 of the reply, 4 witnesses have been examined. A perusal of facts clarifies that these four were the main witnesses who did not support the prosecution’s case. Given the above and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage, subject to the compliance of the terms and conditions mentioned in this order.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

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13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

14. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

15. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
Jyoti Sharma

Whether speaking/reasoned : Yes
Whether reportable : No.