

2024:PHHC:149690



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-32789 of 2024 (O&M)
Date of Decision: 18.11.2024

Tammana		...Petitioner
	Versus	
State of Haryana		... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Vikram Singh, Advocate, for the petitioner.
Ms. Sheenu Sura, DAG, Haryana.
Mr. Sandeep Sharma, Advocate, for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.647 dated 30.06.2023 registered under Sections 346, 302, 201 and 120-B IPC at Police Station Sadar Karnal, District Karnal.
2. The FIR in the present case has been registered on the basis of the statement made by Kamal Deen and the same has been reproduced below:-

*"Sir, copy of application, SHO, P.S. Sadar Karnal.
Subject: To find the missing person. Sir, it is requested*

that I am Kamal Deen son of Sh. Subhrati resident of Village Sheikhpura Sohana, District Karna!. That my younger son Azam is a resident of Village Sheikhpura Sohana, District Karnal whose age is 18 years. That yesterday dated 29.06.2023 at around 9:00 PM my boy received a call from someone and he stated that he is coming in 15 minutes and he has not back since last night. That we tried to call him but his phone is coming switched off and, thereafter, we have tried everywhere to locate him including neighbors, bus stand, railway station but we are unable to find him. That his color is wheatish, height 5 feet wearing red color t-shirt blue color trouser and green color slippers, therefore it is prayed that my son be traced. Thanks Azam Mobile no. 9992186813.”

3. Learned counsel for the petitioner contends that the petitioner was not initially named as an accused in the present case nor had any concern with the crime. As per the prosecution, during the course of investigation, Rohit, principal accused was arrested on 05.07.2023 and he had made a disclosure statement before the police that the petitioner had conspired with Rohit, main accused and the offence under Section 120-B IPC was added in the present case. He further contends that even as per the case of the prosecution, the petitioner was not present at the place of the occurrence and had not participated in the crime in any manner and only role is attributed to her being of a conspirator with Rohit. Learned counsel further contends that the petitioner was arrested in the present case on 05th

July 2023 and is in custody for the last 01 year and 04 months. Moreover, the petitioner is a lady, having a child aged about 03 years and deserves sympathetic consideration by this Court. Learned counsel further contends that Rohit, main accused has already been arrested and is in custody. The investigation against the petitioner has been completed and the final report under Section 173 Cr.P.C. has already been presented. Thus, no purpose will be served by keeping the petitioner behind the bars.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had conspired with Rohit and at her instigation Rohit had caused multiple blows with a knife on the person of the deceased. Learned counsel further submit that the petitioner was the main accused and does not deserve the concession of regular bail.

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

6. In the present case, initially a missing report was lodged by Kamal Deen, father of the deceased. Later on, co-accused Rohit was arrested on 05th July 2023 and he had disclosed the name of the petitioner as the conspirator. The petitioner was admittedly not present at the place of the occurrence and Rohit, principal accused has

already been arrested by the police. Moreover, the petitioner is a married lady and was never involved in any other criminal activity.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

18.11.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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