



246

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-32843-2024(O&M)

Date of decision:-06.11.2024

SHIMLA RANI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Navmohit Singh, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

Mr. Paramjit Singh Jammu, Advocate for the complainant.

SANJIV BERRY, J.(ORAL)

1. Learned State counsel has filed custody certificate dated 05.11.2024, the same is taken on record, copy thereof has been supplied to the counsel opposite.
2. Status report by way of an affidavit of Deputy Superintendent of Police, HQ, Sirsa dated 17.09.2024 filed in the Registry is taken on record.
3. Mr. Paramjit Singh Jammu, Advocate has put in appearance on behalf of the complainant and filed Vakalatnama, the same is taken on record.
4. The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
383	30.05.2024	323, 324, 506, 34 IPC (307 IPC added later on)	Sirsa City

5. Arguments heard.
6. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on account of being the mother-in-law of Shimla Rani, sister of the complainant, on account of matrimonial discord between her son and said Shimla Rani. He contends that no specific overt act is attributed to the petitioner who is a lady aged about 52 years having no criminal antecedents and her name has been incorporated in the occurrence by claiming to have slapped and punched the complainant. He contends that the petitioner is in custody since 07.06.2024 and after completion of investigation challan has already been presented in Court, hence prayed for grant of bail.
7. *Per contra*, learned State counsel assisted by learned counsel for the complainant referring to the reply submitted by the State has opposed the bail application by arguing that the petitioner has actively participated in the occurrence and is not entitled for concession of bail. However they had not disputed the fact that challan has already been presented in Court wherein 12 witnesses have been cited by the prosecution. Hence, they prays for dismissal of the petition.
8. After considering the rival contentions and perusing the record, it is observed that so far as the relationship of the petitioner with the complainant party is concerned, that is not disputed. As per allegations, the petitioner is alleged to have given slaps and fist blows on the complainant

and his father. Petitioner is a lady aged about 52 years having no criminal antecedents and is in custody since 07.06.2024. After completion of investigation, challan has already been presented in Court for trial wherein prosecution has cited 12 witnesses but till date none of them have been examined. The conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time.

9. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

10. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

06.11.2024
Gyan

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |