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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.42950 of 2024 (O&M)
Date of Decision: 06.09.2024**

Sunita

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Birender Singh Rana, Senior Advocate assisted by
Mr. Gagandeep Rana, Advocate for the petitioner.

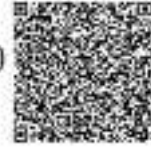
Ms. Palika Monga, DAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Second petition has been filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 for grant of bail pending trial to the petitioner
in FIR No.171 dated 06.07.2023, under Sections 120-B, 302 read with Section
34 of the Indian Penal Code, 1860; Sections 25(1)(a) & 27 of the Arms Act,
1959, registered at Police Station Uchana, District Jind.

(2) Above FIR was registered on the basis of statement made by
de facto complainant-Sandeep with the allegations that petitioner was part of
criminal conspiracy; in pursuance thereof, co-accused Vinay, Balkesh &
Navdeep committed the murder of Manish s/o Bheera Ram on 06.07.2023.

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(3) Custody Certificate dated 05.09.2024 of the petitioner has been produced. The same is taken on record. Copy thereof supplied to the opposite side.

(4) Learned Senior Counsel contends that from bare perusal of the FIR, no overt act has been attributed to petitioner and even during investigation also, there is no material collected by the police regarding her complicity. Also contends that petitioner is in custody since 10.07.2023 and charges were framed on 21.05.2024. Further contends that out of total 22 prosecution witnesses, only 02 have been examined till date; thus, trial will take sufficient long time, hence, further incarceration of the petitioner would not serve any purpose.

(5) *Per contra*, learned State Counsel on instructions, while accepting the point of custody as well as role attributed to petitioner, vehemently opposed the prayer and submitted that allegations in the FIR are very serious. Also submitted that petitioner was part of criminal conspiracy to commit the crime.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) It is not the allegation of prosecution that at the time of alleged occurrence, petitioner was present on the spot or that she had caused any injury to the deceased. Petitioner is in custody since 10.07.2023; investigation is already over and after framing of the charges, now prosecution evidence is going on. Out of total 22 prosecution witnesses, only 02 have been examined

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till date; thus, trial will take sufficient long time. Even during investigation also, police could not collect any incriminating material regarding the complicity of petitioner.

(8) Moreover, petitioner is stated to be an acute asthmatic patient; therefore, there is no possibility that she will influence the witness(es) or hamper the trial in any manner.

(9) In view of the above, present petition is allowed. Petitioner be admitted to bail pending trial on her furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(10) Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

(11) The above observations may not be construed as an expression of opinion on the merits of the case.

(12) It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

6th September, 2024

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>