



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH  
219 CRM-M-44091-2024  
Date of decision: 4<sup>th</sup> December, 2024

Sharda

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Nirmal Singh, Advocate for the petitioner.  
Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

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**MANISHA BATRA, J (ORAL):-**

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 240 dated 21.04.2024 registered under Sections 148, 149, 323, 324, 302, 506 and 120-B of IPC, 1860 at Police Station Krishna Gate Thanesar, District Kurukshetra.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of complaint lodged by the complainant Amit alleging therein that on 21.04.2024 at about 10:30 PM, he was going towards the house of his uncle, when he was called by the petitioner-Sharda and some other boys, who were present near Rajender Chakki, Kirti Nagar. On his reaching there, all of them opened an attack upon him by inflicting injuries with rods, bricks and swords. On hearing rescue alarm being raised by him, his father rushed



towards the spot and tried to save him but he too was assaulted by them and sustained several injuries. Then his cousin brothers along with other persons reached at the spot but they too sustained injuries at the hands of the assailants. They were rushed to the hospital but his father brought to be declared dead. After registration of FIR, investigation proceedings were initiated. Post-mortem examination of the dead body and inquest proceedings were conducted. Petitioner was arrested on 23.04.2024. She suffered disclosure statement admitting her involvement in the subject crime. The co-accused were arrested subsequently. Investigation has since been completed.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. She was not present at the spot and the CCTV footage of the vicinity wherein the crime committed does not show her. The tower location of her phone also shown her presence at her house. The genesis of the occurrence has not been disclosed in the FIR. She has clean antecedents. She is in custody since long. Trial is likely to take time. Her custodial interrogation is no more required. Therefore, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned AAG, Haryana in terms of the status report has vehemently argued that there are specific and serious allegations against the petitioner who was named in the FIR. By forming membership of unlawful assembly with the co-accused, she had opened an attack upon the victims and caused death of Somnath, father of the complainant and injuries to the complainant and his family members. The co-accused Sunny @ Vishal



who is her son is still absconding and has not been arrested so far. There are chances of petitioner's fleeing or intimidating the witnesses, if extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, she is alleged to have caused death of the victim Somnath and injuries to the complainant and other injured. She was named in the FIR. Some specific overt act might not be attributed to her but her presence at the spot and active participation in the occurrence is *prima facie* established. Keeping in view the gravity of the allegations as levelled against the petitioner, quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

7. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

**[MANISHA BATRA]**  
**JUDGE**

**4<sup>th</sup> December, 2024**

Parveen Sharma

1. Whether speaking/ reasoned  
2. Whether reportable

: Yes / No  
: Yes / No