

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

CRM-M-46905-2023 (O&M)

Date of decision : 07.05.2024

Sheela

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Aakash Dalal, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No. 345 dated 29.08.2022, under Sections 302, 323, 325, 506 read with Section 34 of Indian Penal Code, 1860, registered at Police Station City, Jhajjar, District Jhajjar.

2. Allegations are that petitioner along with other co-accused gave beatings and injuries to complainant and his family members with iron rods.

3. Learned counsel for the petitioner contends that she is regularly appearing before learned trial Court and out of 29 PWs, only 09 have been examined as on today and no one is supporting charge against the petitioner. Also contends that there is no other criminal case pending against the petitioner, except present FIR and there is no allegation that he is likely to misuse the concession of bail or hamper the proceedings in any manner.

4. Learned State Counsel, on instructions from SI-Vinod Kumar, has acknowledged the above factual position and submits that petitioner is regularly appearing before learned trial Court and she is fully cooperating in the matter.

Learned State counsel also acknowledged that petitioner has not misused the concession of interim bail granted by this Court on 22.09.2023.

5. Heard learned counsel for both the sides and perused the paper book.

6. This Court, granted interim bail to the petitioner on 22.09.2023, in the following manner:-

“Contends that petitioner is in custody since 11.09.2022 and none of the prosecution witnesses is supporting the allegations narrated by Karan Singh, PW-1. Specific reference in this regard is made to the testimonies of PW-2 Anita; and PW-3 Sagar.

Learned State counsel is not able to controvert the contention raised on behalf of the petitioner; however, he seeks time to have further instructions in the matter.

Posted for 20.11.2023.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

7. Since learned State counsel has duly acknowledged that after passing of the aforesaid order, petitioner is regularly appearing before learned trial Court and there is no allegation that in case, interim bail is made absolute, she is likely to misuse the concession or hamper proceedings in any manner, in such a scenario, sending petitioner to custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 22.09.2023, is made absolute. She shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date of hearing and to fully co-operate with learned trial Court without seeking any unnecessary adjournment(s).

10. The above observations may not be construed as an expression of opinion on the merits of the case.
11. It is clarified that in case there is any misuse of concession by the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
12. Pending application(s), if any, shall also stand disposed off.

07.05.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No