

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

**Neutral Citation No. 2024:PHHC:000635
CRM-M-54958-2023 (O&M)
Date of Decision: 04.01.2024**

Rajni Petitioner

Vs.
State of Haryana Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Shaveta Sanghi, Advocate, for the petitioner.

Mr. P.K. Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J.

Status report along with the custody certificate filed by the respondent state, are taken on record.

2. Petitioner prays for her release on regular bail, by way of this petition filed under Section 439 CrPC, in a case arising out of FIR No.100 dated 27.02.2022, registered at Police Station City Mandi Dabwali, District Sirsa under Section 379-B and 34 IPC.

3.1 As per the prosecution allegations, complainant Murad Khan is a truck driver. After loading his truck No. RJ-07-GD-6348, he started his journey from a place in Gujarat on 24.02.2022 for coming to Mau Mandi (Punjab). On 27.02.2022, at about 11 PM - 1:15 AM, he was one

kilometer away from Mandi Dabwali, when a woman gave him a signal to stop the truck. As he stopped the truck, two boys armed with danda and steel pipe came out of the bushes and caused injuries to him. One of the boys asked Rajni (petitioner) to snatch purse and mobile from the complainant. It is alleged that petitioner along with two boys snatched the purse containing ₹5000/-, ATM card, Aadhar Card etc. after causing injuries to him.

3.2 FIR was registered. Necessary investigation was carried out. Challan has already been filed. Petitioner along with two others is now facing trial.

4. It is contended by Id. Counsel that petitioner has been falsely implicated; that petitioner is a woman, who is in custody for the last more than 1 year and 10 months. Ld. counsel further contends that despite charges having been framed by the Court concerned on 02.08.2022, prosecution has not been able to examine complainant Murad Khan till date. Ld. counsel has drawn attention towards the various zimini orders passed by the trial Court as placed on record in order to show that repeated summons/bailable warrants have been issued against complainant Murad Khan, but he is not appearing for getting his statement recorded. Ld. counsel also submits that though petitioner was earlier involved in three cases, but she has already been acquitted in two of the cases, whereas she is on bail in third case. Prayer is made for grant of regular bail.

5. Opposing the bail petition, ld. State counsel submits that petitioner participated in the crime along with the co-accused; that she is specifically named in the FIR; that snatched purse was recovered from the petitioner; that it is on the signal given by her that the truck was stopped by the complainant. However, ld. State counsel did not dispute the fact that complainant Murad Khan has not appeared in the witness box so far to make the statement. Ld. State counsel also does not dispute the custody period.

6. Heard.

7. The custody certificate reveals that petitioner is in custody for the last 1 year 10 months and 7 days. She is involved in three other cases, but has already been acquitted in two of the cases out of them. She is on bail in third case bearing FIR No.439 of 2021, registered at Police Station City Dabwali, Sirsa, under Section 384/34 IPC. It is also revealed on perusal of the various zimini orders passed by the trial Court that repeated summons have been issued for recording the statement of complainant Murad Khan, but he has not put in appearance till date.

8. Having regard to all the aforesaid facts and circumstances, particularly the custody period of the petitioner, who is a woman, but without commenting anything further on merits of the case, this Court is of the view that no purpose shall be served by keeping the petitioner detained. As such, petition is allowed. Petitioner is admitted to regular bail

on her furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, observing usual terms and conditions.

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

04.01.2024
Vivek

(DEEPAK GUPTA)
JUDGE

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| <i>1. Whether speaking/reasoned?</i> | <i>Yes/No</i> |
| <i>2. Whether reportable?</i> | <i>Yes/No</i> |