



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

**CRM-M-57290-2024**

**Date of Decision: 17.12.2024**

Ganga Devi

...Petitioner

vs.

State of Haryana

...Respondent

**Coram :    Hon'ble Mr. Justice N.S.Shekhawat**

Present :    Dr. Anmol Rattan Sidhu, Senior Advocate with  
                 Mr. Raghav Gulati, Advocate and  
                 Mr. Rahul Kesar, Advocate  
                 for the petitioner.

Mr. Arun Kumar, AAG, Haryana.

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**N.S.Shekhawat J. (Oral)**

1.            The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.357, dated 06.09.2024 registered under Sections 109(1), 351(2), 308(2), 308(4), 308(5), 111(2)(ii), 111(3), 111(4), 61(2) & 111(6), 317(2) of BNS, 2023 and Sections 25(1)(a)/25(b), 25(1B)(c), 27(2) of Arms Act, at Police Station Pundri, District Kaithal.

2.            Learned Senior counsel for the petitioner contends that as per the case of the prosecution, at about 11.20 am on 05.09.2024, two young boys came to the house of the complainant and fired bullets at the complainant indiscriminately with an intention to kill him, however, he laid down on the floor and was saved. Learned Senior counsel further submits that during the course of investigation, the police has already arrested Sumit @ Dulo and Sahil

have already been arrested by the police. He further contends that the petitioner is a senior citizen and has been falsely involved in the present case. Further, there was neither named in the FIR nor there was any material to prove the involvement of the petitioner in the alleged crime. Learned counsel further contends that the petitioner was arrested in the present case on 04.10.2024 and is in custody for the last more than 02 months. After completion of investigation, challan has already been presented against her and further custody will not serve any meaningful purpose. He further contends that the case of the petitioner is clearly distinguishable from the case of Sahil and Sumit @ Dulo, against whom the allegations relating to the firing have been levelled by the complainant.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned senior counsel for the petitioner on the ground that the petitioner is involved in a serious crime. However, he admits that the petitioner was not present at the spot and the police has found that Sumit @ Dulo and Sahil had fired the shots at the complainant.

4. I have heard the learned counsel for the parties and perused the record.

5. In the present case, the petitioner was not initially named in the FIR and has been nominated as an accused on the basis of the disclosure statement suffered by co-accused. She is stated to be mother of one of the accused, namely, Anil Kumar. She is in custody for the last more than 02 months and the trial has not even started against her. Moreover, she was not present at the place of occurrence and her case is clearly distinguishable from the case of the other accused.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

17.12.2024.  
hemlata

(N.S.SHEKHAWAT)  
JUDGE

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No