

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

211

CRM-M-64235-2023 (O&M)
Date of Decision:- 04.01.2024

SAKSHI

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Bhanu Udai, Advocate for the petitioner.

Mr. Vishal Malik, DAG Haryana.

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SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
212	22.04.2023	308, 323, 506 IPC (308 IPC deleted and 302 and 114 IPC added later on)	Kharkhoda, District Sonipat

2. The case of the prosecution in a nutshell is that on 22.04.2023 on receipt of an information, the police visited PGI Rohtak, where they received a written complaint from Rakesh to the effect that his wife Madhu and daughter Soni were coming back from the fields and on the way, the petitioner met them and started abusing and threatened them that her father-in-law would come to their house to teach them a lesson and thereafter, the brother of the complainant namely Gulab came to their house and started

abusing while having *lathi* in his hand and then gave *lathi* blow on the complainant as well as his wife. On hearing noise, people gathered and the assailant ran away from the spot. The injured was shifted to hospital, where she succumbed to the injuries. After the conclusion of investigation, challan was presented in the Court where the case is pending trial.

3. Heard.

4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He submits that as per the FIR, even the allegation against the petitioner is of abetment only and no specific overt act has been attributed to her in causing the injuries to the injured. He submits that even during the course of trial, the material witnesses who have been examined by the prosecution, have not lent any support to the case of the prosecution and have not uttered anything against the petitioner so as to connect the petitioner with the commission of the alleged offence. As such, he prays for grant of regular bail to the petitioner.

5. *Per contra*, learned State counsel submits that the petitioner is not entitled to the concession of bail considering the heinous nature of the crime, however, he has admitted that all the material witnesses examined by the prosecution, have turned hostile and have not supported the case of the prosecution against the petitioner. He submits that out of 23 witnesses cited by the prosecution only 5 have been examined.

6. Considering the respective submissions and facts and circumstances of the case, the bare perusal of the FIR would reveal that the

allegations against the petitioner are that of abetment to commit the crime and no specific overt act in causing the injuries to the injured has been attributed to the petitioner. Admittedly, the petitioner is in custody since 31.05.2023; challan has already been presented in the Court and as mentioned above, only 5 witnesses out of 23 PWs cited by the prosecution have been examined, who have not lent any support to the case of the prosecution and have turned hostile and have not attributed anything to connect the present petitioner with the crime.

7. The conclusion of trial will take sufficient long time and considering the aforesaid circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

04.01.2024
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |