

**228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M No.65420 of 2023 (O&M)****Date of decision : 10.01.2024**

Pinki @ Rekha

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN*******

Present :- Mr. Munfaid Khan, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

*********PANKAJ JAIN, J. (ORAL)**

1 This second petition has been filed under Section 439 Cr.P.C.
for grant of regular bail in case F.I.R. No.443 dated 15.12.2020 registered
under Sections 324/328/307/459/392/394/120-B IPC and Section 25 of
Arms Act at Police Station Sector 31, Faridabad, District Faridabad.

2 FIR was registered on the information received from one Arun
Kumar Goyal s/o late Shyam Lal Goyal, who alleged as under :-

“Sir, I applicant Arun Kumar Goyal son of Late Shyam Lal Goyal is a resident of house no. 1577 sector 28 Faridabad and we are three members residing in this house. Due to got fracture by my wife in her leg and my old aged mother, I hired one female maid namely Rekha alias Pinki mobile no. 9599087522, 9319787526 from Apna job about 8-10 months ago for the purpose of house work. On 15.12.2020 at about 7.30 am, the said maid came in the house for doing house work and today I went to my office in early morning at about 6.30 am. I called one person at my home to give some money and that person reached at my house at about 9.30 am for taking money and that person made a telephonic call, on which I advise that persons to press the doorbell of the house and I further asked him to talk with my mother and my mother would pay money to him. When said person pressed the door bell, then maid namely Rekha came out from the

house and said Rekha informed me on phone of that person that my mother is sleeping and thereafter phone was disconnected. After sometime, my neighbor Sanjay made a telephonic call to me and informed that my maid Rekha is speaking with loud voice that Akash gives knife blow and run away fastly and my neighbor further saw that my maid Rekha with two bags was fastly running away from the house and one person having knife with blood and two other persons were also running away from the spot. On this, I run toward my house in hurry and on reaching at the house, I saw that my mother is laying unconsciousness condition and my wife with injured condition of knife stated me that Rekha in connivance other persons gave food mixed with poison substances and said maid Rekha cut her hand by knife and her throat was pushed with knife and said maid Rekha took away cash amount 4-5 lac and jewelries of my wife and my mother i.e. Kadde of hands, ring, chain, ring of nose and kadde of golden diamonds of my mother, ring chain and money kept in the house and three mobile phones sim no. 9871023323 and two Apple I-phones having mobile no. 9911777487 and 9821834881 from the house. I immediately admitted my family members in the Asian Hospital and their condition is still serious. Hence. You are requested that the legal action against Rekha, Aakash and their other colleagues may kindly be taken for deadly attack and looting the valuable articles by entering into the house and the looting household articles and jewelries should be recovered.”

3 Learned counsel for the petitioner submits that the petitioner is in custody since 17.12.2020 i.e for more than 3 years. Not only challan stands presented but the charges were framed on 23.11.2021.

4 The aforementioned fact is being disputed by learned State counsel submitting that the charges were framed on 17.11.2022 only.

5 Be that as it may, the fact remains that despite passing of more than a year, the prosecution has failed to examine even a single witness. It was only on this ground that co-accused namely Ravi @ Akash was granted bail by Co-ordinate Bench in **CRM-M-16065-2023** dated 06.11.2023 observing as under :-

“5. The custody of the petitioner comes out to be 2 years 10 months and 15 days. As per the learned counsel for the parties, till date, not even a single witness has been examined despite the fact that the charges were framed

almost two years ago. As per the learned counsel for the petitioner, even bailable warrants have been issued against the complainant. The pendency of the other cases against the petitioner cannot become a ground for denial of bail to him, and therefore, considering the aforesaid facts and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

6. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.”

6 Even after 06.11.2023 the situation has remained the same.

7 Learned State counsel on instructions from Investigating Officer is not in a position to dispute the aforementioned factual assertions based on record.

8 I have heard learned counsel for the parties and have gone through the records of the case.

9 Without commenting on the merits of the case and considering the incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

10 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

10.01.2024
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No