



213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63107-2024

Date of decision : 19.12.2024

Sheela @ Sushila Devi

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Wazir Singh, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for grant of regular bail to the petitioner in case bearing FIR No.62 dated 02.06.2024, under Sections 148, 149, 302, 323, 342, 506 of IPC, registered at Police Station Moohana, District Sonapat.

2. Succinctly, facts of the case are that the FIR in the present case was registered on the statement of Ajmer son of Ramkishan. It was alleged that on 31.05.2024, his eldest brother Subhash had a quarrel with their neighbourer Ishwar son of Rammehar. However, the compromise regarding the same was arrived at on the very same day. On 01.06.2024 at about 10:00 PM, his brother was walking in the street after having food and as Ishwar was holding grudge, he, Himanshu, Honey, Neelam, Sanjay his wife Bebi, Buntty and Ishwar's younger sister namely, Sheela @ Sushila Devi (petitioner) after conspiring, attacked Subhash with sticks and other sharp weapons. He was dragged inside their house. He and Gaurav entered into Ishwar's house to get Subhash released. Everyone started beating Subhash. On raising alarm, the neighbourers also gathered.



They got them released however, Ishwar and others were threatening to kill him. They shifted their brother and nephew Gaurav to Sonapat for treatment. However, the Doctors declared his brother Subhash dead. Request was made to take legal action against the accused. On registration of the FIR, investigation commenced. The postmortem of the dead body was conducted and statements of the witnesses were recorded by the investigating agencies. Petitioner was arrested on 19.06.2024. She approached the Court of learned Additional Sessions Judge, Sonipat praying for grant of bail however, after hearing counsel for both the sides, it was declined vide order dated 28.10.2024. Hence, being aggrieved, petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that petitioner is resident of Delhi and she has been falsely implicated in this case only in order to take the revenge. He submits that petitioner had come to her parental home to meet her mother however, she was also dragged by the complainants in the present case. He submits that petitioner even otherwise has not been alleged to have committed any overt act in the alleged incident. It is submitted that petitioner is behind bars since the date of her arrest and there being no case made out against her, her incarceration is totally unwarranted. He has submitted the investigation in this case is already complete and the charges are also framed.

4. Learned State counsel has opposed the submissions made by learned counsel for the petitioner. He has submitted that petitioner is specifically named in the FIR who was a part of the unlawful assembly. He submits that all the accused had dragged the deceased inside their



house and thereafter, caused beating to him which resulted in his death. He has produced the custody certificate of the petitioner. He has also apprised this Court that out of 24 prosecution witnesses, none has been examined so far.

5. After hearing counsel for the parties and perusing the record, it is deciphered from the facts of the case that petitioner though has been named in the FIR however, no overt act has been alleged against her. Custody certificate produced would show that petitioner is behind bars from last six months and she is not involved in any other case. Investigation is already complete, charges are framed however, out of 24 prosecution witnesses, none has been examined so far.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

19.12.2024
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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