



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

CRM-M-1280-2025

Date of decision : 23.01.2025

Bebi

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Najar Singh, Advocate for
Mr. Navmohit Singh, Advocate
for the petitioner.

Mr. Vijesh Sharma, Addl. AG, 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 (petitioner), Bunty and Ishwar's younger sister namely, Sheela @ Sushila Devi 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 03.06.2024. 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 20.11.2024. Hence, being aggrieved, petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail on the basis of parity with that of the co-accused Sheela @ Sushila Devi. He has drawn the attention of this Court to the order passed by this Court in CRM-M-63107-2024 dated 19.12.2024 whereby co-accused of the petitioner, namely, Sheela @ Sushila Devi has been granted the concession of bail. He has submitted that case of the petitioner is at par with the co-accused, who has been granted bail by this Court. He submits that on the basis of the parity, the petitioner deserves to be granted bail as case of the petitioner is similar to that of the co-accused, who has already been granted bail by this Court.

4. Learned counsel for the State although has opposed the prayer of the petitioner. He on instructions from ASI Anam, has submitted that the challan is filed and charges have been framed and out of 24 prosecution witnesses, none has been examined so far. He however, has submitted that similarly situated co-accused namely, Sheela @ Sushila Devi, has already been granted bail by this Court and he could not

distinguish the case of petitioner from that of the co-accused. He has placed on record the custody certificate of the petitioner which shows that she has undergone actual sentence of 07 months and 19 days. It further shows that the petitioner is not involved in any other case.

5. After hearing learned counsel for the parties and perusing the record, and from the facts and circumstances, it is clear that the occurrence in the present case has taken place on 31.05.2024, when the petitioner alongwith others attacked Subhash with sticks and other sharp weapons, who suffered serious injuries and was shifted to the Hospital at Sonapat for treatment. However, the Doctors declared him dead. Whether the offence under 302 IPC is made out or not, is subject matter of trial. This Court would refrain itself from commenting anything on the merits of the case. There are no criminal antecedents of the petitioner.

6. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail on the basis of parity as the co-accused has already been granted bail by this Court vide order dated 19.12.2024 passed in CRM-M-63107-2024. 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.

23.01.2025
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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