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

CRA-S-3756-2024

Date of Decision: 06.03.2025

Kiran

...Petitioner

VS.

State of Haryana and another

...Respondents

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

Present : Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The appellant has filed the present appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 with a prayer to set aside the impugned order dated 18.10.2024, passed by the Court of Additional Sessions Judge, Fatehabad, whereby the application for regular bail under Section 439 Cr.P.C. was ordered to be dismissed in FIR No. 272 dated 16.06.2024, registered under Sections 307, 506, 34 of IPC and Sections 25-54-59 of Arms Act and the challan was presented under Sections 302, 307, 506, 34, 120-B, 212, 202, 201 of IPC, Sections 25-54-59 of Arms Act and Section 3(2)(v) of SC/ST Act, Police Station City, Fatehabad, District Fatehabad.

2. Learned counsel for the appellant contends that the FIR was initially registered on the basis of the statement made by Pooja wife of Balraj @ Goli, who had levelled specific allegations against Sanjay and Vikas @ Golu.



As per the complainant, Sanjay and Vikas @ Golu and their 2/3 other accomplices had fired at the complainant and her husband Balraj @ Goli, since deceased. The appellant was neither part of the conspiracy nor she was present at the spot at the time of the alleged occurrence. Learned counsel further contends that as per the case of the prosecution, the weapon of offence was allegedly handed over by Sanjay to the present appellant and she had concealed the same at her house. However, the police could not collect any evidence with regard to the involvement of the appellant in the alleged crime and at the worst, the offence under Section 202 of IPC was made out against her. He further contends that the police has planted the recovery of certain firearms on her and has been wrongly arrested by the police on 23.06.2024. Learned counsel further contends that the present appellant is a lactating mother, who is confined in jail alongwith her minor daughter Noor and deserves sympathetic considerations by this Court. Even the investigation has already been completed against her and she is not in a position to influence the witnesses of the prosecution.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the appellant on the ground that the appellant had helped the main accused in disposing off the weapon of offence and she had concealed the weapon of offence. Even three illicit pistols of 12 bore, 9 alive cartridges of 12 bore, .315 bore pistol and 3 alive cartridges and one Maruti Zen were recovered from the present appellant. Learned State counsel also submits that respondent No.2/complainant was informed by the SHO, Police Station City, Fatehabad, District Fatehabad, in writing on



21.11.2024 about the pendency of the present case before this Court. Still there is no representation on behalf of respondent No.2 in the present case.

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

5. In the present case, the only allegation against the appellant is that she had concealed the weapon of offence and had not participated in the commission of crime in any manner. She was neither present at the spot nor had conspired with other accused and her case is clearly distinguishable from the cases of other accused, who were involved in the main offence. The appellant is stated to be in custody for the last about 08 months and the challan has already been presented against her. The conclusion of the trial may take quite a long time.

6. Without commenting on the merits of the case, the present appeal is allowed and the appellant 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, subject to the following conditions:-

(i) The appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade her to disclose such facts to the Court or to any other authority.

(ii) The appellant shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The appellant shall not absent herself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The appellant shall surrender her passport, if any, (if already not surrendered), and in case she is not holder of the same, she shall swear an affidavit to that effect.



- (v) The appellant shall also file her affidavit before the concerned Court, mentioning her ordinary place of residence and number of mobile phone, which shall be used by her during the pendency of the trial. In case of change of place of residence/mobile number, she shall share the details with the concerned Court/learned Trial Court.
- (vi) In case, the appellant involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the appellant.

06.03.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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