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

CRM-M-64385-2024**Date of decision : 07.04.2025****Suresh Kumari @ Suresh Devi****....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Bipan Ghai, Senior Advocate with
Mr. Nikhil Ghai Advocate, Ms. Renu Arora, Advocate and
Mr. Jobain Singh Dhaliwal, Advocate
for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab assisted by
SI Sukhwinder Singh.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.256 dated 07.10.2024, under Sections 25, 54, 59 of Arms Act and under Sections 109, 308(5), 61(2), 324(4), 111, 249, 253 of BNS, registered at Police Station City Kapurthala.
2. Succinctly the facts of the case are that the present case was registered on the statement of complainant, namely, Naresh Malhotra @ Tinu. It was alleged that on 07.10.2024 at about 9:50 A.M., when the petitioner was present at the showroom and her employee Vikas Katoch, was standing outside the main gate, 02 young men wearing masks came from outside. On coming inside, they started firing bullets towards the main door of the showroom which was completely broken and remaining glasses were also got hit and the LCD was also damaged. Thereafter, both



the boys escaped on their Splendor motorcycle. This incident was witnessed by the employee of her showroom, Vikas Katoch. While running out from there, they threw one slip on which it was mentioned that the firing was done by Sorav Gadoli, by sending goons for extortion of money. The request was made to take legal action against the culprits. On registration of FIR, investigation commenced. During investigation, on the disclosure statement of co-accused, complicity of the petitioner was alleged that after the firing the accused stayed with the petitioner. Thus, she was also arrayed as an accused. Resultantly, she was arrested on 11.10.2024 and since then she is behind bars. She approached the Learned Additional Sessions Judge, Kapurthala, praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Additional Sessions Judge, Kapurthala vide order dated 21.11.2024. Aggrieved by the same, the petitioner is before this Court praying for grant of bail by way of filing of present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that neither petitioner was named in the FIR nor any overt act is attributed to her. He submits that the petitioner has been roped in the present case on the alleged statement made by her son, namely, Pawan Kumar only that the accused who fired, stayed with her mother. It is submitted that the story put by the prosecution is in itself incredible. It is submitted that the petitioner has no criminal antecedents as she has never been involved in any other case. It is submitted that she is behind bars from last about 06 months and the investigation is already complete. He submits that even if the case put up by the prosecution against the accused is taken into consideration then also the offence



against the petitioner is only for harbouring the co-accused and thus, keeping in view the custody and her antecedents, she deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner and submits that the disclosure statement in the present case was made by none other than the son of the petitioner, who specifically named the petitioner that the main accused stayed with her after committing the offence of firing at the shop of the complainant. He submits that in all there are 07 accused out of which 04 accused are arrested, however, 03 accused are yet to be arrested. He submits that investigation is already stands complete however, charges are yet to be framed. He produced the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrayed as an accused in the present case on the basis of disclosure statement of co-accused. The role attributed to the petitioner is after the incident of firing made by the co-accused at the showroom of the complainant. The custody certificate produced would show that she has suffered an incarceration of 05 months and 24 days as on 05.04.2025. Custody certificate further reflects that the petitioner has no criminal antecedents as she has never been involved in any other case.

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 to



the petitioner. 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.

07.04.2025
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(RAJESH BHARDWAJ)
JUDGE

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