

2025 PHHC 019911



202

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

CRM-M-64710-2024

Date of Decision: **11.02.2025**

RISHIKA

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Balraj Gujjar, Advocate,
for the petitioner

Mr. Rajesh Gaur, Addl.A.G., Haryana

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on 'regular bail', in case FIR No. 263, dated 22.04.2024, under Sections 323, 365, 379-B, 506 of IPC, 1860 and under Section 25 of the Arms Act, 1959, (Sections 120-B, 364-A, 452 and 201 IPC added later on), registered at Police Station Adarsh Nagar, Distirct Faridabad.

2. This is the third petition, seeking the similar relief of regular bail, the last one was dismissed as withdrawn vide order dated 21.10.2024 (Annexure P-4). The instant petition, has been filed on the ground that after the withdrawal of the earlier bail application, there is no progress in the trial.

3. The case of the prosecution was set up on the statement made by one Sunita Meena wife of Satish Meena. The relevant extract of the same reads as under:-

“...I am Sunita Meena wife Satish Meena resident of house no. 2487, Sector 62, Ballabhgarh, Faridabad. My husband works in ICICI Bank CGO COMPLEX Delhi, three storey. My in-laws live house our on the first floor and I along with my children live on the second floor and tenants live on the third floor. That on 21/22.2024 at around 12:30 A.M., my husband and his friend Amit Yadav resident of Govind Puri Delhi, had reached our house on a scoty from Raja Nahar Singh metro station. My husband and his friend were sitting on the sofa on first floor after washing their hands and mouth because my in-laws had gone to their village. At the same time, a boy entered their room through the stairs and he pointed the pistol at my husband and my husband's friend and snatched their phones and also snatched the money from my husband's pocket and then he took out a hammer from the bag in his hand and attacked my husband's friend on the head due to which he bled profusely and became unconscious. That the person pointed the pistol at me and said that if I raise any noise, he will kill me and my husband, that I got scared and did not make any noise, after that the person asked my husband to bring the keys of the car and my husband stood at the gate of my floor and asked me for the keys, which I silently gave the keys due to fear, which then the boy on the strength of GUN POINT PISTOL, kidnapped my husband and took him away in his car number DL 3GD 9913 MAHENDRA SUV. When my husband's friend Amit regained consciousness, we informed the police about this incident...”

4. A perusal of the FIR (*supra*), it reflects that one person namely Bhupender, who is husband of the present petitioner, committed the above acts. What surfaced during the investigation that the petitioner is one of the co-conspirators as she gave concurrence on mobile to her husband to commit such criminal act.

5. The learned counsel for the petitioner, in his asking for the relief (*supra*), submits that the petitioner is a lady, who has been implicated only on account of being wife of the main accused. At the best, there is only mobile call detail records, with the prosecution agency to establish the role/participation of the present petitioner, which is in fact

a weak evidence, as having all such interactions on mobile phone with her husband is a daily routine.

6. He further submits that the petitioner has suffered incarceration of more than 9 months as on today.

7. He also submits that the conclusion of the trial would take a long time, as till date out of the total 19 prosecution witnesses, none has been examined.

8. *Per contra*, the learned State counsel, has vociferously opposed the asked for relief to the present petitioner, and submits that the petitioner is a habitual offender, as she is involved in one other criminal case. He further submits that the petitioner has actively participated in the kidnapping of Satish. Therefore, the petitioner does not deserve leniency.

9. He has also filed a custody certificate *qua* the petitioner, today in court, which is taken on record. A perusal of the custody certificate reveals that the petitioner has suffered incarceration of 09 months and 16 days, as on today, and she is stated to be involved in one more criminal case.

10. He, on instructions, imparted to him by ASI Bharat Bhushan, submits that out of the total 19 prosecution witnesses cited in the final report, none has been examined by the prosecution till date.

11. This Court has considered the rival submissions made by learned counsel for the parties concerned, and has gone through the entire case file, and is of the considered opinion that the instant petition is amenable for being allowed.

12. The reason for forming the above inference emanates from the factum that:- **(i) the petitioner is lady, and the only allegation against her, of being one of the conspirators; (ii) the evidence so produced by the prosecution in the final are sufficient to connect her with alleged crime, is yet to be examined by the learned trial court concerned, at an apt stage of the trial; (iii) the petitioner has suffered incarceration of 09 months and 16 days, as on today; (iv) though the petitioner is stated to be involved in one other criminal case, but not of similar nature; (v) out of total 19 prosecution witnesses as cited by the prosecution in the final report, none has been examined till date; (vi) no fruitful purpose would be served by keeping the petitioner behind the bars; (vii) trial is not likely to conclude anytime soon.**

13. Considering the hereinabove made discussion, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/ trial Court/Duty Magistrate.

14. However, anything observed here-in-above shall have no effect on the merits of the trial, and is only meant for deciding the present petition.

15. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved

herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court.

16. All pending application(s), if any, also stand **disposed** of accordingly.

Feburary 11, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No