



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

220/1

**CRM-M-61601-2024 (O&M)
Date of Decision: 17.02.2025**

Sarita

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. S.S.Sarwara, Advocate for
Mr. Manoj Tanwar, Advocate for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present second petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for seeking bail pending trial in FIR No. 47 dated 30.01.2023, registered under Section 302 read with Section 34 of Indian Penal Code, 1860, at Police Station Ganaur, District Sonapat.

2. Allegations are that petitioner alongwith other co-accused armed with bat,*danda* and knife attacked complainant's brother Ankit; inflicted injuries to him and due to the injuries received in the occurrence, he died at the spot.

3. Contends that petitioner is in custody since 30.01.2023 and and after remaining in custody for about 01 year 11 months, she was granted interim bail by this Court on 12.12.2024. Further contends that petitioner has not misused the concession of interim bail and she is regularly appearing before learned trial Court. Also contends that although charges have been framed, but no prosecution witnesses has been examined till date.



4. Learned State Counsel, after obtaining instructions from quarter concerned, although acknowledged the factum of custody as well as interim bail granted to the petitioner, but he opposed the prayer on the premise that on 14.02.2025, defence counsel, sought adjournment; thus, she does not deserve the concession of bail pending trial.

5. Heard learned counsel for both the sides and perused the paper book.

6. This Court granted interim bail to the petitioner on 12.12.2024 in the following manner:-

“ Contends that petitioner is in custody since 30.01.2023; charges were framed on 01.06.2023, but out of total 21 prosecution witnesses, none has been examined till date.

Learned State counsel seeks time to verify the above factual position.

Posted for 17.02.2025.

In the meanwhile, petitioner be released on interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

7. There is no quarrel that petitioner was granted interim bail and she has not misused the interim concession. Since petitioner is a woman; there is no allegation that in case, interim bail is made absolute, she is likely to hamper or misuse the concession in any manner. So far as plea of learned State counsel that on 14.02.2025, learned defence counsel sought time would not be a ground to deny her bail pending trial in view of the fact that on earlier occasions, prosecution witnesses did not come forward. As the trial is likely to take long time; thus, sending the petitioner to custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 12.12.2024, is made absolute. She shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of



learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date of hearing and to fully co-operate with learned trial Court without seeking any unnecessary adjournment(s).

10. The above observations be not construed as an expression of opinion on the merits of the case.

11. It is clarified that in case there is any misuse of concession by the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

17.02.2025

Harish Kumar

**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No