

BA 1563 Pinki & anr. Vs State of Haryana  
- 1-

**IN THE COURT OF PRAVEEN KUMAR LAL  
ADDITIONAL SESSIONS JUDGE  
PANCHKULA.**

**CNR No.**  
**HRPK010047552022**



**Case No. BA/1563/2022**

**Filing No./Date : 2613-20-12-2022**

**Registered on : 20-12-2022**

**Decided on : 22.12.2022**

1. Pinki Devi aged about 24 years, wife of Sh. Rinku.
2. Aarti aged 47 years, wife of Sh. Mahender Giri,

Both residents of House No. 142, Indira Colony, Sector-17,  
Panchkula, Haryana

(Presently confined in judicial custody at Central Jail Ambala)

.....Petitioners

Versus

State of Haryana

.....Respondent

FIR No. 469 dated 12.12.2022  
Under Sections 323, 354, 34 of IPC & Section 3 (2)  
(vi) of SC & ST Act  
Police Station:- Sector-14, Panchkula

**First bail application under Section 439 Cr.P.C.  
for grant of regular bail.**

**Present when argued:**

Shri V.K. Tripathi, Advocate counsel for the petitioner  
Shri Romil Lamba, Public Prosecutor for the State

**ORDER**

BA 1563 Pinki & anr. Vs State of Haryana

- 2-

This order shall dispose of an application for first regular bail filed by petitioners in the above noted case.

2. In brief, the present case registered on the basis of complaint dated 12.12.2022 moved by complainant (a lady) resident of Sector 17, Panchkula. It is averred in the complaint that on 12.12.2022 petitioner-accused persons (both ladies) quarreled with her and in that course they gave her beating and also used abusive language including caste orientated words against her. In complaint, allegations also leveled against the son of petitioner No.2 (namely Anil) that he outraged modesty of complainant and also scuffled with her while using caste orientated words. The allegations also leveled against Anil that he threatened complainant for dire consequences. Legal action sought against Anil, and petitioners (Aarti and Pinki).

On the basis of the complaint, FIR No. 469 dated 13.12.2022 under Sections 323, 34 IPC, 3 (2) (va) SC & ST Act, P.S Sector-14, Panchkula was registered. The investigation was set into motion. CCTV footage of the support was taken into possession. Now, the petitioners has moved bail application under Section 439 Cr.P.C for seeking regular bail. Notice of the same given to the prosecution. Reply has been filed. Arguments heard.

BA 1563 Pinki & anr. Vs State of Haryana

- 3-

3. I have heard learned counsel on behalf of the petitioner and learned Public Prosecutor for the State and have also perused the record carefully. They have advanced arguments in terms of the application and the reply.

4. Learned counsel for the petitioner submitted that he has been falsely implicated by the police in the present case and he has not committed any offence as alleged in the FIR. As per the bare perusal of the complaint and the FIR, there is no offence made out against the petitioners as the petitioners is not named in the present FIR and it is submitted that there is no role has been attributed to the petitioners as per the alleged contents of the FIR. No recovery is to be effected from the petitioners, so there is no need of custodial interrogation. It is further submitted that the petitioner No.2 is old age widow and she is suffering from many old age ailments and the husband of the petitioner No.2 also senior citizen and he is also suffering from old age ailments and unable to look after the minor child of the petitioner No.1. No fruitful purpose would be served to keep the petitioners behind the bars. The petitioners are totally innocent and are in judicial custody since 15.12.2022. No useful purpose would be served to keep the petitioners behind the bars. After the investigation, the police has deleted the Section 354 IPC and

BA 1563 Pinki & anr. Vs State of Haryana

- 4-

only Section 323, 34 IPC and Section 3(2) (iv) of SC/ST has sentence upto 3 years. The petitioners are ready to abide by all the terms and conditions imposed upon them by this court for the grant of bail. The petitioners shall not tamper with the evidence or the witnesses of the prosecution, if they are released on regular bail. The petitioners will not leave the country without the prior permission of trial court. The petitioners undertakes to appear on each and every date of hearing as and when they will be directed by this court. The petitioners are ready to furnish the bail bonds and surety bonds to the entire satisfaction of this court. Prior to the present bail application, the petitioners have filed regular bail application and same was dismissed by the court of Ms. Anjali Narwal, JMIC, Panchkula vide order dated 19.12.2022. Hence, the bail application of petitioner/applicant be allowed.

5. On the other hand, Learned Public Prosecutor argued that the offences committed by the accused are serious in nature. Learned Public Prosecutor prayed for dismissal of the bail application.

6. After having heard the respective submissions, this Court perused the record. At this stage, at the time of deciding an application for bail, this Court is not supposed to give any observation in respect to the merits of the case of the prosecution. It is noticed that during

BA 1563 Pinki & anr. Vs State of Haryana

- 5-

investigations, the allegations leveled by complainant qua causing offence of outraging modesty of her found false. The petitioners are ladies and lying under judicial confinement since the date of their arrest in the present case. Further judicial confinement of petitioners are not required in order to effect any kind of recovery in the present case. Further investigation and conclusion of trial shall take a long time. No useful purpose shall be served by keeping the petitioners behind the bars. Hence, keeping in view the facts and circumstances without expressing any opinion in respect to merit of the case, this Court deems it just to grant concession of regular bail to the petitioners-accused and accordingly, the present bail application is **allowed**. The petitioners-accused are admitted to bail on their furnishing bail bond in the sum of ₹50,000/- each with one surety in the like amount to the satisfaction of this court. The bail order is subject to the conditions that the petitioners-accused shall co-operate with the investigation and shall not commit any offence similar to the offence for which, they have been accused. Further that the petitioners-accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of case so as to dissuade him/her from disclosing such facts to the court or to any police officer and shall not tamper with the evidence and further shall attend the court regularly.

BA 1563 Pinki & anr. Vs State of Haryana  
- 6-

The petitioners-accused shall not leave the country without prior information to the court.

7. No observation made in this order shall be construed as my expression on the merits of the case. File be consigned to the record room after due compliance.

Pronounced in open Court.  
Dated: 22.12.2022.  
(Meenu)

(Praveen Kumar Lal),  
Additional Sessions Judge,  
Panchkula.UID No. HR-0151

Note: All the pages of this order have been checked and signed by me.

(Praveen Kumar Lal),  
Additional Sessions Judge,  
Panchkula.

BA 1563 Pinki & anr. Vs State of Haryana

- 7 -

Present: Shri V.K. Tripathi, Advocate counsel for the petitioner  
Shri Romil Lamba, Public Prosecutor for the State

Ahlmad report perused. Reply filed. Copy supplied.

Arguments heard. Orders shall be pronounced after lunch.

Pronounced in open Court.

Dated: 22.12.2022  
(Meenu)

(Praveen Kumar Lal),  
Additional Sessions Judge,  
Panchkula.UID No. HR-0151

Present: Shri V.K. Tripathi, Advocate counsel for the petitioner  
Shri Romil Lamba, Public Prosecutor for the State

Vide my separate order of even date, the **present bail application has been allowed.** File be consigned to record room after due compliance.

Pronounced in open Court.

Dated: 22.12.2022  
(Meenu)

(Praveen Kumar Lal),  
Additional Sessions Judge,  
Panchkula.UID No. HR-0151