

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

Crl.Misc.No.M-19453 of 2015(O&M)

Date of Decision : 16.07.2015

Bohti Devi

....Petitioners

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr. Jitender Dhanda, Advocate for the petitioner

Mr. Anmol Malik, AAG, Haryana

MAHESH GROVER, J.

The petitioner prays for grant of regular bail in terms of Section 439 Cr.P.C in case FIR no. 13 dated 10.2.2015 registered under Sections 302, 120-B, 34 of IPC at Police Station Siwan, District Kaithal.

The husband of the petitioner was allegedly done to death. Prior to the incident he is said to have accompanied Mohan the brother of the petitioner and on the next day he was found with injuries on his person and rushed to the hospital where he died. The allegations against the petitioner are that of conspiring with her brother Mohan to do away with the deceased as he was a drunkard and bothersome husband.

The complaint has been made by a person who professes to be brother of the deceased which fact is seriously controverted by the petitioner who contends that he is not the real brother.

Be that as it may, the Court would not like to comment on this aspect but would like to examine the role set up by the prosecution as far as petitioner is concerned.

Learned counsel for the State on instructions from SI Raj Phul

states that the petitioner conspired with Mohan to do away with the deceased and this fact is established from the phone call made by Mohan to the petitioner.

After hearing learned counsel for the parties and noticing the fact that petitioner is in custody since 10.2.2015 and the fact that the trial is in progress which is likely to take some time as also the fact that no direct role appears to be attributed to the petitioner with solitary evidence of a phone call linking her to the crime, I am of the view that the petitioner deserves the concession of bail. Ordered accordingly. It is directed that the petitioner be released on bail in terms of Section 439 Cr.P.C . Bail to the satisfaction of learned Trial Court.

Nothing said herein shall be construed to be an expression on the merits of the case.

July 16, 2015
rekha

(Mahesh Grover)
Judge