

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

(209)

CRM-M-22140-2015

Decided on: September 17, 2015.

Narayani Devi

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. R.N. Kush, Advocate, for the petitioner.

Mr. C.S. Bakshi, Addl. A.G., Haryana.

M.M.S. BEDI, J (ORAL)

Petitioner is a lady who has allegedly caught hold deceased Rati Ram while her husband gave lathi blow on the head of the deceased and later on had thrown his body in the fields.

The case was registered on the basis of dying declaration of Rati Ram made to complainant Gian Chand. The investigation agency appears to have recorded the statements of sons of Rati Ram regarding the co-accused of the petitioner having assaulted the deceased. So far as petitioner is concerned, her name is not mentioned in the statement of the complainant, dying declaration or any of the PWs. She has been involved in the case on the basis of disclosure statement made by her co-accused i.e. her husband in police custody.

I have gone through the statement which is purported to be a statement under Section 27 of the Indian Evidence Act resulting in recovery of the lathi alleged to have been used by the co-accused. The admissibility

and relevancy of the said disclosure statement made in police custody will certainly be a debatable issue.

Petition is allowed. Petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

(M.M.S. BEDI)
JUDGE

September 17, 2015
harsha