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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33060 of 2015

Date of Decision: October 01, 2015.

Jyoti

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Rakesh Nehra, Advocate
for the petitioner.

Ms. Mahima, AAG Haryana.

SABINA, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 ('Cr. P.C.' for short) seeking regular bail in FIR No.194 dated 25.04.2015, under Sections 302, 452, 120-B of Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Civil Lines, Rohtak.

Prosecution story in brief is that on 25.04.2015 at about 4:30 PM, Manoj, Moni, Kapil, Babu, Bintu and Jyoti came to the house of the complainant armed with *lathies*, *dandas* and knives. Manoj gave a knife blow on the person of Rajiv. When Lalit came to rescue Rajiv, he was also given knife blow by Manoj. As a result of this Rajiv as well as Lalit died.

Learned counsel for the petitioner has submitted

that even as per the FIR, no specific role was attributed to the petitioner. During investigation, statements of the children of the deceased Rajiv were recorded and they stated that on the day of occurrence, Manoj was present at the spot and had inflicted injuries on the person of their father and uncle. In fact, during investigation, it had transpired that the petitioner had gone to her relatives' house on the day of occurrence and was not present at the spot. Challan was presented against accused Manoj and the petitioner. The case of the prosecution was that petitioner had abetted her husband to commit the crime.

Learned State counsel, on the other hand, has opposed the petition.

In the present case, as per the FIR also, the injuries had been inflicted on the person of the deceased by accused Manoj. Complainant had named six persons. However, challan has been presented against Manoj and his wife Jyoti-petitioner. Children of the deceased namely Vaibhav and Yashwanti, during investigation, had stated that they had seen accused-Manoj inflicting injuries on the person of their father and uncle. The statements under Section 161 Cr. P.C. of Vaibhav and Yashwanti have been placed on record as Annexures P-3 and P-4. A perusal of the said statements reveal that the said children had not stated that the petitioner was also present at the spot. So far as

the petitioner is concerned, the prosecution case is that she had abetted her husband to give beatings to Lalit. The disclosure statement suffered by Jyoti-petitioner is Annexure P-2. Although, the said statement does not have much evidentiary value, as it was made to the police. Even the said statement of Jyoti-petitioner does not lead to the inference that the petitioner had instigated her husband to commit the murder of Rajiv and Lalit. Rather she had only abetted her husband to give beatings to Lalit. Petitioner is in custody for the last more than five months.

Accordingly, keeping in view the facts and circumstances of the present case, it would be just and expedient to order the release of the petitioner on bail.

Accordingly, without expressing any opinion on merits on the case, this petition is allowed. Petitioner be admitted to bail, subject to the satisfaction of the Chief Judicial Magistrate, Rohtak.

**(SABINA)
JUDGE**

October 01, 2015
mahavir