

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-34041 of 2014 (O&M)
Date of Decision: 20.03.2015

Kavita

...Petitioner
Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE R.P. NAGRATH

Present: Mr. R.S. Sihota, Sr. Advocate with
Mr. Ashok Sharma, Advocate
for the petitioner.

Mr. Aditya Sanghi, Addl.AG, Haryana
for the State.

R.P. Nagrath, J. (Oral)

The main petition is for regular bail in the case where petitioner is facing trial under Section 302 IPC for murdering her husband.

During pendency of the petition, prayer was made in CRM No.7926 of 2015 for grant of interim bail on the ground that one of the child was studying in Swami Vishuddha Nand Public School, Deeghot, District Palwal in IIIrd standard and is to be promoted to IVth standard in the first week of April, 2015 and the other child is also to be admitted in school.

Reply to the application has been filed by the learned State counsel.

I have heard learned senior counsel for the petitioner and also the State counsel.

It has been categorically stated in the reply that the daughter of petitioner is not studying in Swami Vishuddha Nand Public School, Deeghot, District Palwal and, therefore, the allegation made in the application is apparently wrong. Otherwise, the children are staying with their maternal uncle who can assist for admission of children in the school. The prayer for interim bail could be entertained only if there is possibility of accepting the main prayer for regular bail. It is also stated in the reply that all the witnesses of prosecution have since been examined and now the statement of accused has also been recorded under Section 313 Cr.P.C. and the case is posted for 24.04.2015 for defence evidence.

Therefore, there is no merit in the instant application and there is no scope for granting interim bail. If there is any fresh ground, petitioner may move appropriate application for interim bail before the trial Court.

In view of the above, the application as well as petition is dismissed. However, in case the maternal uncle of the girls apply for admission of the children, the school authorities would not reject the application simply on the ground that mother of the girls is not able to present the application for admission herself.

(R.P. Nagrath)
Judge

20.03.2015
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