

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

Crl.Misc. No.M-34009 of 2015
Date of Decision : 9.10.2015

Rajbala

.....Petitioner

Vs.

State of Haryana

.....Respondent

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Ms. Loveleen Dhaliwal,, Advocate for the petitioner.
Mr. Surender Singh, AAG, Haryana.
Mr. S.S. Virk, Advocate for the complainant.

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1. To be referred to the Reporter or not ?
2. Whether the judgement should be reported in Digest ?

RAMESHWAR SINGH MALIK, J

Petitioner seeks bail pending trial in FIR No.26 dated 29.1.2015 under Sections 498-A, 328, 34 IPC registered at Police Station safidon, Distt. Jind.

Learned counsel for the petitioner submits that the petitioner is mother-in-law and she had no role to play in the unfortunate incident. Husband of the complainant, who is the main accused is already on regular bail. She further submits that since the prosecution evidence is yet to start, conclusion of trial will take some time. She prays for allowing the present petition.

On the other hand, learned counsel for the State as well as learned counsel for the complainant opposed the present petition, contending that active

participation of the petitioner has been duly established on record. She forcibly administered the medicine to the complainant. They pray for dismissal of the present petition.

Having heard learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case, petitioner has been found entitled for bail pending trial. It is so said, because even in the FSL report, the story put forth by the prosecution has been found to be incorrect, because no poison was detected. In such a situation, it will be a debatable issue before the learned trial court, as to whether the petitioner, as a matter of fact, participated in the commission of offence or not.

In view of the above and without commenting anything further on the merits of this case, instant petition is allowed. Petitioner is directed to be released on bail pending trial on her furnishing adequate bail bonds/surety bonds to the satisfaction of the learned trial court.

Disposed of, accordingly.

9.10.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE