

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M-37423-2015
Date of decision:6.11.2015**

Raj Bala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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

Present: Mr.Bijener Dhankhar, Advocate for the petitioner.
Mr. Manoj Kumar Sangwan, DAG, Haryana.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in FIR No.150 dated 4.4.2015 registered under Sections 302, 451, 34 and 120-B of the Indian Penal Code at Police Station City Rohtak, District Rohtak.

Learned counsel for the petitioner submits that petitioner was not specifically named in the FIR, because of which, there was no scope for levelling any allegation against the petitioner. He further submits that in fact there was no occasion for the petitioner to get involved in the incident. He also submits that since the prosecution evidence is yet to start, conclusion of trial will take time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Rakesh Kumar, Police Station City Rohtak, submits that involvement of the petitioner is very much established. He further submits that petitioner had actively participated in the commission of offence and she is not entitled for bail pending trial. He prays for dismissal of the instant

petition.

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Having heard the learned counsel for the parties and after careful perusal of the record of the case, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has been found entitled for bail pending trial. It is so said, because petitioner was not specifically named in the FIR, because of which, there was no scope of levelleing any allegation against her. She has been sought to be implicated on the basis of her own disclosure statement and that too before the police. In such a situation, it shall be a debatable issue before the learned trial Court to decide as to whether, petitioner had participated in the commission of offence or not.

In view of the above and without commenting anything further on merits, lest it should prejudice the rights of either of the parties, the 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 learned trial Court.

Disposed of, accordingly.

6.11.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE