

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.40495 of 2015

Date of Decision:-04.12.2015

Rajpati.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Partap Singh, Advocate for the Petitioner.

Mr. R.K. Doon, AAG Haryana along with
SI Rishi Raj.

JASWANT SINGH, J (ORAL)

Prayer is under Section 439 Cr.PC for grant of regular bail to the petitioner Rajpati in case FIR No.95 dated 18.05.2015 for offences punishable under Sections 302, 323, 341, 506 and 34 of Indian Penal Code registered with Police Station Julana, District Jind.

As per allegations in the FIR lodged by deceased Phooli (complainant) herself at about 7'O Clock on 14.5.2015 in the morning the petitioner-Rajpati along with her co-accused Murti Devi and her son Devinder had stopped complainant's son Anil in the street and started beating and abusing him. When Smt. Phooli tried to rescue her son Anil, the accused party started beating her as well. They are alleged to have inflicted injuries on her body with bricks, kicks and fists. The complainant- Smt. Phooli Devi ultimately died on 21.05.2015 while admitted in PGIMS, Rohtak.

It is contended that the complainant and the accused party are members of a same family and there is a dispute regarding land between the brothers. It is further contended that at best offence under Section 325 IPC would be made out since only one injury on the non vital part of the body was identified in the first instance as per MLR. It is further submitted that even the cause of death opined is due to "*Injuries on Cervical Cord and its Complications*". It is further contended that even the eye witness account of Anil (son of complainant) shows that there was absolutely no intention to cause death as is further reflected from the *situs* of the alleged injuries and no weapon being used.

Learned State Counsel on instructions from SI Rishi Raj is unable to refute the contentions regarding the MLR and the cause of death as also the statement of the son of the deceased, namely, Anil.

It is also not in dispute that the present accused is a 57 years old lady employed as JBT Teacher and is in custody since 23.5.2015. It is further not in dispute that the present accused Rajpati, co-accused Murti Devi and deceased Smt. Phooli Devi are having relations of *Devrani* and *Jethani*.

Without commenting on the merits of the case, keeping in view the aforesaid circumstances, this Court finds that petitioner-accused deserves the concession of regular bail and as such she is ordered to be released on bail to the satisfaction of learned CJM/Duty Magistrate, Jind.

Petition stands disposed of.

(JASWANT SINGH)
JUDGE

November 04, 2015
Vinay