

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-88 of 2015
Date of Decision:- 14.01.2015

Babli

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

**Present: Mr. Vinod Bhardwaj, Advocate,
for the petitioner.**

**Mr. Prawinder S. Chauhan, Additional Advocate
General Haryana, for the State.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition, for the grant of concession of regular bail, in a case registered against her along with her other main co-accused, namely, Sagar alias Sahar s/o Dhan Singh, Guddi w/o Ram Kishan @ Dhan Singh and Kavita d/o Suraj etc., vide FIR No.239 dated 21.7.2012 (Annexure P-1), on accusation of having committed the offences punishable under Sections 323 and 506 read with section 34 IPC (the offence punishable u/s 302 IPC was later on added), by the police of Police Station Shivaji Colony, Rohtak.

2. Notice of the petition was issued to the State.
3. After hearing the learned counsel for the parties, going through the record with their valuable help and considering the entire

matter deeply, to my mind, the present petition for regular bail deserves to be accepted in this context.

4. Precisely, the prosecution, *inter-alia*, claimed that on 19.7.2012, complainant Shri Niwas alias Pappu s/o Lal Chand (for brevity “the complainant”) had come to the cottage of petitioner to have discussions, regarding money and financial transactions. Some dispute had erupted between them. In the meantime, main accused Sagar alias Sahar, Kavita and Guddi came to the spot and started abusing him. Consequently, accused Kavita suddenly gripped the complainant from back side and main accused Sagar alias Sahar gave a blow to him with iron rod. Thereafter, the petitioner was stated to have caused a simple injury with stick (*danda*) on his stomach. Meaning thereby, the fatal injury with iron rod is attributed to main co-accused Sagar alias Sahar (non-petitioner). In that eventuality, as to whether the penal provision of vicarious liability, as contemplated under Section 34 IPC, is attracted to the facts relatable the case of the petitioner or not, *inter alia*, would be the moot point to be decided during the course of trial, after acceptance of the evidence by the trial Court.

5. Be that as it may, the petitioner was arrested on 21.7.2012. Since then, she is in judicial custody and no useful purpose would be served to further detain her in jail. There is no history of her previous involvement in any other criminal case. The final conclusion of trial will naturally take a long time.

6. Not only that, Kavita wife of Suraj, similarly situated co-accused of the petitioner, was granted the benefit of regular bail, by

virtue of order dated 05.08.2013 (Annexure P-3), rendered in CRM No.M-18454 of 2013, by a Coordinate Bench of this Court (K.C. Puri, J.). Sequelly, Guddi wife of Ram Kishan @ Dhan Singh, was granted the concession of regular bail, by means of order dated 21.11.2014 (Annexure P-4) in CRM-M No. 38618 of 2014, by this Court. Therefore, I see no reason not to extend the same concession of regular bail to the present petitioner, under the similar set of circumstances as well.

7. In the light of aforesaid reasons and taking into consideration the totality of the facts & circumstances, emanating from the record, as indicated here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side, during the course of trial of main case, the instant petition for regular bail is accepted. The petitioner is ordered to be released on bail on her furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

8. Needless to mention that, nothing observed here-in-above, would reflect on the merits in the trial of main case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail only.

January 14, 2015
naresh.k

(MEHINDER SINGH SULLAR)
JUDGE