

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.8842 of 2015
Date of Decision: 24.03.2015**

Smt. Roshani Devi

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. S.S. Sahu, Advocate
for the petitioner.

Mr. Pardeep Prakash Chahar, D.A.G., Haryana.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

RAJ MOHAN SINGH, J.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.530 dated 27.08.2014 registered under Sections 323, 307, 302, 34 IPC and Section 25/54/59 of Arms Act, Police Station Sadar, Fatehabad, District Fatehabad.

The FIR in question came to be recorded on the statement of Ramesh Kumar to the effect that he is serving in Govt. school as teacher. He has two brothers, out of them Sandeep was the youngest. About 1½ months back, complainant had purchased 2 acres of land from Harpal Singh S/o Atma Ram, resident of Village Kajal Kheri. On 27.08.2014 at about 09.00/09.30 a.m. brothers of the complainant namely Jai Parkash and Sandeep had gone to cultivate

field where accused Krishan etc. scuffled with the brothers of the complainant. Jai Parkash contacted the complainant and his father and then all of them went to the fields where Sandeep was already present. When Sandeep started tractor, then Krishan, Uggersain, Vishwamittar, Rohtash and Satbir came there and made *Lalkara*. Thereafter, Krishan fired 2 shots from the gun towards Sandeep, but none of these shots hit Sandeep. Thereafter, Vishwamittar, Satbir and Sunni fired toward his brother Sandeep with their respective weapons. Krishan also fired towards them. Sandeep suffered a gunshot injury in his chest towards right side and Jai Parkash also received bullet injury in his back of the right side. In the meanwhile Rohtash came there duly armed with *Lathi* and inflicted injury on his head. Wives of Uggersain, Satbir, Krishan, Rohtash and Sunni also came there armed with Lathis and Gandasis and women folk inflicted injuries to father of complainant Hans Raj and the complainant with their respective weapons. With this background, the FIR came to be registered.

Learned counsel for the petitioner states that petitioner is an old lady and no specific role has been attributed to her. Her name appeared in the disclosure statement of her husband that she handed over the gun to him. Learned counsel further states that the averments made in the FIR are contrary to this assertion wherein womenfolk/wives of Uggersain, Satbir, Krishan, Rohtash and Sunni are shown duly armed with *Lathis* and *Gandasis* only.

Learned D.A.G., Haryana states that the disclosure statement of the husband of petitioner Krishan Kumar is to the effect

CRM-M No.8842 of 2015

that she went to *Dhani* and came back with the gun and belt of cartridges.

On this, learned counsel for the petitioner states that had it been so, then the petitioner could not have shown coming along with other ladies allegedly armed with *Lathis* and *Gandas*.

It is debatable issue whether any such disclosure which has not resulted in any recovery from the petitioner would be an incriminating act for the purposes of showing complexity of the petitioner in the episode.

Looking to the facts, petitioner is ordered to be released on regular bail on her furnishing adequate bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate, Fatehabad.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

24.03.2015.
sachin

(RAJ MOHAN SINGH)
JUDGE