

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

CRM-M No. 12869 of 2016 (O&M)

Date of Decision: 25.04.2016

Roshni alias Roshan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Manjeet Singh, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana
for the respondent/State assisted by ASI Chandgi Ram.

Mr. Neeraj Sheoran, Advocate for the complainant.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of the Code of Criminal Procedure, is for grant of regular bail on behalf of the accused/petitioner-Roshni alias Roshan in case FIR No. 784 dated 23.11.2015, for offences punishable under Sections 147, 148, 149, 302, Indian Penal Code, registered with Police Station Sadar, Bhiwani, District Bhiwani.

As per the version of the complainant-Ramphal, the co-accused/non-applicant-Pratap Singh on consuming liquor everyday used to hurl abuses in front of the house of the complainant. On 22.11.2015 at about 08:30 P.M., when the said Pratap Singh did his daily ritual, he was reprimanded by Vinit s/o Rajender Singh and one Pardeep sitting in the house of the complainant. Thereafter, at around 09:00 P.M., co-accused/non-applicant-Partap Singh along with his brother accused Jaipal, accused son Satender, his co-accused wife Roshni @ Roshan (petitioner herein) and one Sachin are alleged to have

come to the house of the complainant. On giving of a *lalkara* by the present petitioner/accused-Roshni and Sachin, co-accused-Partap Singh is alleged to have inflicted a solitary sharp edged weapon blow on the head of the son of the complainant, namely, Pardeep, while co-accused Jaipal and Satender are alleged to have held Pardeep.

It is contended that the petitioner is a housewife and has been roped in the case because she is the wife of main accused-Pratap Singh. It is next submitted that even as per the version in the FIR, the only role attributed to the petitioner is of rasing a *lalkara* and the fatal solitary blow is attributed to the co-accused-Pratap Singh with a stick, which has been got recovered. The petitioner is stated to be in custody since 26.11.2015 and after completion of the investigation, challan stands presented and the evidence of twenty-two (22) cited witnesses is yet to commence.

Learned counsel for the complainant has vehemently opposed the grant of bail to the petitioner.

Learned State Counsel, assisted by ASI Chandgi Ram, does not refute the aforesaid factual contention. He, however, opposes the bail application of the petitioner on the ground of the alleged offence being heinous.

Without commenting on the merits of the case, keeping in view the facts noticed above; the petitioner is a lady; custody period and role attributed to the petitioner, no useful purpose would be served by keeping the petitioner/accused in custody since the trial is not likely to be concluded in near future, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

April 25, 2016

(JASWANT SINGH)
JUDGE