

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

206

CRM-M-18249-2016

Date of Decision: June 13, 2016

BIJAN

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Ashish Aggarwal, Advocate for the petitioner.

Mr.Shivendra Swaroop, AAG, Haryana.

AMOL RATTAN SINGH, J.(Oral)

The petitioner seeks the concession of regular bail pending the trial being held against her and her co-accused, for the alleged commission of various offences, including one under Section 302 IPC.

Learned counsel for the petitioner submits that the petitioner was never named in the FIR and subsequently has been only named in the disclosure statement made by two co-accused, stating that “the mother of Dharam Pal was also involved in the conspiracy to eliminate deceased Vinod”, in view of the fact that her son had earlier been killed by the brother of Vinod.

Learned counsel for the petitioner relies upon the judgment of the Supreme Court in Lohit Kaushal vs. State of Haryana (2009)17 SCC 106, to submit that a disclosure statement can only be used against the person making it and not against a co-accused.

Other than that, he submits that she is in custody for more than nine months and out of 34 witnesses, only one witness has been examined so far.

Learned State counsel does not dispute the factual position as

obviously having a motive to conspire to eliminate Vinod, was correctly named by her co-accused. He further submits that her co-accused, Inderjeet, specifically named the petitioner as one of the conspirators.

Considering the aforesaid period of custody undergone by the petitioner and the fact that she is 65 years old, and the trial is not likely to conclude in the near future, without making any comment on the merits of the case, the petitioner is directed to be released on bail, upon her furnishing adequate bail/surety bonds to the satisfaction of the CJM/Duty Magistrate, Palwal during the period of the trial.

The petition is disposed of accordingly.

June 13, 2016
TSG

(AMOL RATTAN SINGH)
JUDGE