

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-24976 of 2016

.....

Date of decision:16.8.2016

Usha

...Petitioner

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Raman Chawla, Advocate for the petitioner.

Mr. Vikramjit Singh, Additional Advocate General, Haryana for the respondent-State.

.....

Inderjit Singh, J.

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.544 dated 21.6.2014 registered for the offences under Sections 346, 328, 380, 506 and 34 IPC at Police Station City Hisar, District Hisar.

Notice of motion to Advocate General, Haryana.

Mr. Vikramjit Singh, learned Additional Advocate General, Haryana has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned Additional Advocate General, Haryana appearing for the respondent-State and have gone through the record.

From the record, I find that the present petitioner, who is a lady, has been in custody since 28.5.2016. She has been declared proclaimed offender.

Learned counsel for the petitioner argued that she was having no notice or summon was fixed at the conspicuous place of her residence and she was not knowing regarding the proceedings under Section 82 Cr.P.C. Further more, as per the allegations in the FIR, Pawan Kumar stated that his marriage was solemnized with Suman five years ago and he has one daughter aged about two years. On 20.6.2014 at about 5.30 p.m., his wife went somewhere without informing him from the house and she has also taken his daughter with her. It is also in the FIR that Usha Rathore-his neighbour had sent his wife somewhere. He also stated that his wife had taken ₹1500/- along with ornaments. Later on, the wife of the complainant had been recovered and she got recorded her statement under Section 164 Cr.P.C. before the Magistrate. As per her statement also, she stated that she had gone with 10-11 years son of Usha Rathore. There are some allegations that Usha Rathore had mixed some poisonous substance in the water etc.

At this stage, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find that the petitioner is not required for any interrogation and investigation purposes. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Therefore, keeping in view the facts and circumstances of the present case; this criminal miscellaneous petition is allowed and the

[3]

petitioner is ordered to be released on bail subject to her furnishing personal bond in the sum of ₹40,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

August 16, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No