

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

CRM-M-3207 of 2016 (O&M)
Date of decision : 14.07.2016

Rekha and anr.

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Bijender Dhankar, Advocate for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana
assisted by ASI Dharamvir Singh.

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.46 dated 16.4.2015, registered under Sections 148, 323, 302, 307 and 452 read with Section 149 of the Indian Penal Code (for short 'IPC'), at Police Station Odhan, District Sirsa.

The learned counsel for the petitioners refers to the FIR to contend that the deceased-Shakuntla Devi, as per the postmortem report suffered one injury, which was attributed to Deepak, whereas the other deceased-Brij Lal had sustained three injuries on his person, which are specifically attributed to Bhim Sain, Pawan and Chanan. The petitioners have been falsely roped in the present case. The petitioners have not given any injury to the deceased. Petitioner No.2-Sunita has been attributed

gandasi blow on the head of Ajay Pal, which proved to be fatal, however, during the examination, this injury has been attributed to Sunil. Therefore, the learned counsel contends that there is no specific injury attributed to the petitioners. The petitioner Nos.1 and 2 is in custody since 17.07.2015 and 05.05.2015, respectively.

On the other hand, the learned State counsel submits that both the deceased were husband and wife and were killed in the incident. He states that out of 31 witnesses none has been examined so far.

I have heard the learned counsel for the parties and perused the entire record on file.

Considering the facts that petitioner No.2-Sunita is 23 years old, whereas petitioner No.1 is unmarried; there is no specific injury attributed to the petitioners; they are in custody since 17.07.2015 and 05.05.2015; and all the witnesses are yet to be examined, it can be safely inferred that the trial is not likely to be concluded in the near future.

In view of above, without adverting to the merits of the instant case, this petition is allowed. The petitioners be admitted to bail during the pendency of the trial, on their furnishing bail bonds/surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

14.07.2016

ashok

(JITENDRA CHAUHAN)
JUDGE