

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37375-2016

Date of decision: November 08, 2016.

Maina Devi

... **Petitioner**

v.

Dalip @ Sarwan and another

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri Sanjeev Kumar Aggarwal, Advocate for the petitioner.

A.B. Chaudhari, J. (Oral):

Heard Learned Counsel for the petitioner.

Learned Counsel for the petitioner impugns the order dated 10.8.2016 made by learned Additional Sessions Judge, Sirsa granting bail to respondent No.1. He states that the order granting bail to respondent No.1 is clearly illegal and is required to be cancelled. According to him, there is prima facie evidence against respondent No.1 in that the blow was given to the petitioner resulting into fracture of the arm. He further submitted that there was murder of husband of the petitioner who was hit on the head by Shankar Lal, who is in jail. According to him, applying the common intention, respondent No.1 would also be guilty of the substantive offence of murder along with others and therefore bail is required to be cancelled. He submitted that this Court had granted anticipatory bail to Daya Ram.

I have perused all the orders made by this Court and the orders made by the trial judge. It is not in dispute that Shankar Lal, who had given

fatal blow resulting into death of deceased, is in jail. So far as other persons are concerned including respondent No.1, they did not cause any serious injury. The theory of common intention can very well be looked into at the time of trial. But then, the liberty of respondent No.1 should not be curtailed for all times to come during pendency of the trial. In that view of the matter, I am not inclined to accept the prayer of the petitioner that the bail should be cancelled.

In the result, application for cancellation of bail is rejected.

[A.B. Chaudhari]
Judge

November 08, 2016.

kadyan

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No