

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

(211)

CRM-M-36879-2015

Decided on: April 12, 2016.

Indro

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Jitender Dhanda, Advocate, for the petitioner.

Mr. Gurdas Singh Salwara, DAG, Haryana.

Mr. Bhoop Singh, Advocate, for the complainant.

M.M.S. BEDI, J (ORAL)

The petitioner is a lady, who seeks concession of regular bail in a case registered at the instance of Ranbir alleging that on 11.05.2015 the petitioner along with 4-5 other persons which included two more ladies armed with 'bhallas', 'jellis' and sticks assaulted the complainant and his father causing injuries while they were working in their fields. On receipt of injuries, father of the complainant Partap Singh died.

Learned counsel for the complainant has intervened to oppose application for regular bail contending that only two ladies, who had not been attributed any specific injuries, have been granted bail. In view of two repeated attempts and injuries caused by the petitioner to the complainant and no witness having been examined, the petitioner should not be granted concession of bail.

I have heard learned counsel for the petitioner as well as learned counsel for the complainant and gone through the police file.

The petitioner has been attributed injury with 'jelli' on the thumb and finger of Ranbir and also a second injury on the same hand.

The dispute amongst the parties appears to be a land dispute. The petitioner is not attributed any injury on the person of the deceased. It will be a debatable issue during trial whether the conduct of the petitioner would warrant the applicability of Section 34 of IPC. No opinion can be expressed at this stage whether she shared common intention with Harbhajan Singh.

Taking into consideration the fact that the petitioner has been in custody w.e.f. 07.08.2015, no prosecution witness having been examined and co-accused of the petitioner, similarly circumstanced, having been released on bail, this petition can also be allowed.

The petition is allowed. It is ordered that the petitioner will be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to the condition that she will not make any attempt to threaten the witnesses or otherwise tamper with the evidence in any manner. In case of any such eventuality, it will be open to the complainant to approach this Court for cancellation of bail.

(M.M.S. BEDI)
JUDGE

April 12, 2016
harsha