

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

CRL. MISC. No.M-42340 OF 2016
DATE OF DECISION : 21st DECEMBER, 2016

Hasan Basri

.... Petitioner

Versus

State of Haryana

.... Respondent

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

* * * *

Present : Mr. G. S. Sandhu, Advocate for
 Mr. Jagmohan S. Ghumman, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

Mr. D. S. Matya, Advocate for the complainant.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed the present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.316 dated 30.08.2015 registered under Sections 148, 149, 323, 341, 302 & 506 IPC at Police Station Tauru, District Mewat.

Heard learned counsel for the rival parties.

The petitioner in this FIR was arrested on 29.01.2016 and since then she is in jail. Admittedly, the challan has been filed before the competent Court.

The case of the prosecution is that several persons, including the petitioner who is mother-in-law of the deceased and her daughter Moni, had called the deceased to their house and then assaulted him and administered poison through water and also tide him to *Neem* tree and all

were surrounding him. Ultimately when he was untied from the tree and was taken to the hospital he was died.

Learned counsel for the complainant argued that there is a compact disc in respect of the incident in question, which shows that the present petitioner Hasan Basri is assaulting the deceased and therefore, the bail could be denied to the present petitioner.

In my opinion, mere assault by the petitioner, when several male persons were assaulting the deceased, would not be a fact to deny the relief of bail.

Insofar as the present petitioner is concerned, there is no specific attribution to the petitioner as to the nature of the injury. The dispute appears to be matrimonial but then the challan has been filed and the trial will take its own time.

Looking to the above facts and the fact that the petitioner, who is a women, is entitled to the concession under Section 437 Cr.P.C. Hence, I make the following order:

ORDER

- (i) CRL. MISC. No.M-42340 OF 2016 is allowed.
- (ii) The petitioner be released on bail to the satisfaction of the concerned CJM/Duty Magistrate.

21st DECEMBER, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No