

CRM-M-15288 of 2017**Date of decision: 08.05.2017****Krishna Wati @ Khajanti**

... Petitioner

vs.

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL*** * ***Present : Mr. Rakesh Dhiman, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

*** * *****DEEPAK SIBAL, J.(ORAL)**

Through the present petition filed under Section 439 Cr. P. C., the petitioner seeks regular bail in FIR No.718, dated 22.12.2016, registered under Sections 323, 452, 506 IPC (Sections 302, 120-B added lateron) at Police Station City Palwal, District Palwal.

Seeking regular bail for the petitioner, learned counsel submits that the petitioner is a lady as also a senior citizen suffering from various ailments; she has been in custody since December 2016; not named in the FIR; the only evidence against the petitioner is the disclosure statement made by the co-accused before the police, which is uncorroborated and thus inadmissible in evidence; no recovery has been effected from the petitioner and none is to be effected even in the future; she is not involved in any other criminal case and that as till date none of the 21 witnesses cited by the prosecution have been examined, the trial is not likely to conclude in the near future.

Learned State counsel opposes the grant of bail on the ground that the petitioner is a conspirator in the murder of one Anita.

A perusal of the FIR shows that the petitioner is not named therein. In fact, as per the FIR, the case of the prosecution is that Ravi alongwith one/two other boys entered the house of Anita and murdered her. Whether the petitioner was a conspirator is a fact which would be deciphered only during the course of trial.

The petitioner has been involved only on the basis of a disclosure statement suffered by one of the co-accused but the same remains uncorroborated; she is a senior citizen as also a lady who is said to be suffering from various ailments; none of the 21 witnesses cited by the prosecution have been examined so far, therefore the trial is not likely to be concluded in the near future and no recovery is to be effected from the petitioner.

In view of the above finding made by the learned counsel for the petitioner, I am of the opinion that the petitioner deserves to be admitted to regular bail.

Bail to the satisfaction of the trial Court.

Nothing observed herein above shall be considered to be an expression of opinion by this court on the merits of the case.

During the period that the bail is granted to the petitioner, if he is found indulging in any criminal/illegal activity, it would be open to the State to move an appropriate application before the competent Court/this Court for cancellation of the bail granted to the petitioner through this order.

(Deepak Sibal)
Judge

May 08, 2017
rimpal

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No