

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-27853 of 2017
Date of Decision: 25.09.2017

Rajbala

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Manish Soni, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Sarfraj Hussain, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.84 dated 20.03.2015 registered for offences punishable under Sections 147, 148, 323, 341, 307, 506 read with Section 149 of Indian Penal Code (for short, "IPC") at Police Station Rajendra Park, District Gurugram.

Heard.

As per case of prosecution, the occurrence took place on 17.03.2015 at around 12.30 p.m. in which petitioner alongwith 7-8 other persons caused injuries on the person of Gaurav @ Sonu and Sumer Singh. Five injuries on head of Sumer Singh were attributed to Pawan, Sumit, Sahil, Savitri, Rishi and petitioner-Rajbala. As per statement of Sumer Singh, petitioner gave *danda* blow on his head. The medical report of Sumer Singh shows that there were multiple fractures on his head.

The petitioner was proclaimed offender in this case and was

arrested on 19.03.2017.

Learned counsel for the petitioner submits that petitioner is an employee of Punch Packing Industries, Gurugram and had been regularly performing her duties there. The police has not arrested her in this case. Even otherwise, she is in custody for the last more than six months. The main trial against Lokesh @ Sannata and Rishi is over, while accused-Pawan, who is a juvenile, is facing trial. The entire evidence of prosecution is already on record and no purpose will be served by keeping the petitioner in jail.

Learned counsel for complainant submits that in this case serious and grievous injuries were caused to Sumer Singh and Gaurav @ Sonu. One of the injured is still bedridden and is not in a position to speak properly and could not even depose in Court.

The petitioner has been attributed *danda* blow on head of Sumer. The said *danda* has been recovered from her and police has presented the supplementary challan against her.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that the petitioner is a lady and that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Rajbala is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of her absence on any date of hearing, the

benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel her bail bond and surety bond and proceed to procure her presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

- (c) She shall not leave the country without the previous permission of the Court.

September 25, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No