

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

CRM-M-37434-2016 (O&M)

Date of decision: 23.01.2017

JAIBUNA

...Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present : Mr. Pradeep Virk, Advocate
for the petitioner (s).

Mr. Neeraj Poswal, AAG, Haryana and
Mr. Saurabh Mohunta, DAG, Haryana

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.178 dated 13.05.2015, registered under Sections 302 and 120-B of the Indian Penal Code (for short 'the IPC') read with Section 34 IPC, at Police Station Tauru, Distt. Mewat.

Contents that five persons including the petitioner were named in the FIR. The only role of the petitioner has been shown to be holding loincloth of the deceased, whereas co-accused, Rajiya who closed the mouth of the deceased and co-accused, Mahabir and Bijender, who have been shown to be holding the hands of the deceased are kept in column No.2 as no incriminating evidence could be collected against them. The petitioner is

in custody since 21.07.2015.

On the other hand, the learned State counsel state that all the prosecution witnesses have been examined. However, complainant has filed petition i.e. CRR No.3189 of 2016 to summon co-accused, Rajiya, Mahabir and Bijender, wherein this Court has issued notice.

Considering the fact that only role attributed to the petitioner is that she held the loincloth, the aforesaid co-accused who had in fact played a significant role have been kept in column No.2; and the petitioner is in custody since 21.07.2015, no purpose would be served in keeping the petitioner behind the bars. The petitioner be admitted to bail during the pendency of the trial, on her furnishing bail bonds and surety bonds, to the satisfaction of the trial Court, concerned.

This petition is allowed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

23.01.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No