

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

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CRM-M-44292-2017(O&M)

Date of decision:29.11.2017

Sita Devi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vishwajeet, Advocate, for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in case FIR No.1141, dated 27.11.2016, under Sections 302/34 of IPC (Section 307 IPC and Section 25, 54, 59 of Arms Act added later on), registered at Police Station Sadar Karnal, District Karnal.

Learned counsel for the petitioner submits that the petitioner is wife of co-accused Dharambir and as per allegations in the FIR, there was a sudden provocation when the parties were present in the field, as son of the complainant objected to the accused persons encroaching upon the fields (dol) and in the FIR, no specific injury is attributed to the petitioner. Counsel for the petitioner further submits that later on, the statement of Renu wife of deceased Surrender was recorded under Section 161 Cr.P.C., in which she has not attributed any injury and injured-Sunil, in his statement under Section 161 Cr.P.C. stated that after he fell down, the petitioner caught hold of him. It is further submitted that the petitioner is in judicial custody since 22.12.2016 and out of 21 witnesses, only 3 witnesses have been examined so far and the conclusion of the trial will take long time.

Counsel for the petitioner has further submitted that the petitioner being a lady, be released on bail in view of the provision of Section 437 (1) (ii) of Cr.P.C.

Learned State counsel, on instructions from SI Subhash Chander, on the basis of the statement of two Pws, Renu and Sunil, recorded under Section 161 Cr.P.C. has not disputed the aforesaid submissions made by the petitioner, however, opposed the prayer for regular bail on the ground that the petitioner was present at the spot when her husband and other co-accused caused injuries to deceased-Surrender and injured-Sunil and thus committed the offence with co-accused.

Without commenting upon the merits of the case and considering the fact that the petitioner is in judicial custody since 22.12.2016; no specific injuries attributed to her in the FIR or in the Statements under Section 161 Cr.P.C.; she is household lady; the petitioner is directed to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate,

(ARVIND SINGH SANGWAN)
JUDGE

29.11.2017
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No