

Crl. Misc. No. M-18545 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-18545 of 2018

DATE OF DECISION:05.12.2018

Indrawati

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Jitender Nara, Advocate
for the petitioner.

Mr. R.S. Doon, AAG, Haryana.

DAYA CHAUDHARY, J.

The present petition under Section 439 Cr.P.C. has been filed by petitioner-Indrawati for grant of regular bail to her in case FIR No. 244 dated 11.9.2017 registered under Section 302,34 IPC at Police Station Sahlawas, District Jhajjar.

Learned counsel for the petitioner contends that as per prosecution version, complainant-Rajender was present at his village at the time of occurrence, which is stated to be about 70 kms away from the alleged place of occurrence but still he has been stated to be an eye witness of the incident. Learned counsel further contends that the husband and son of the petitioner are also accused in this case and they are behind the bars.

The only allegation against the petitioner is that she gave injury on the leg

of the deceased. The investigation has been completed and challan has also been presented and now the case is fixed for evidence. The petitioner is 59 years of age and is behind the bars since 5.11.2017 and no other case is pending against her.

Learned counsel for respondent-State has not disputed the role of the petitioner and custody but opposes the submissions made by learned counsel for the petitioner on the ground of seriousness of the offence.

By considering the age of the petitioner, which is 59 years of year and is in custody from 5.11.2017;co- accused i.e. husband and son of the petitioner are also behind the bars and no other case is pending against the petitioner, the present petition is allowed. Petitioner-Indrawati is directed to be released on regular bail subject to her furnishing bail/surety bonds to the satisfaction of trial Court.

However, it is made clear that bail has been granted to the petitioner by considering certain facts and the same cannot be taken as precedent for other accused.

December 05, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No