

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

**CRM-M No. 3229 of 2018 (O&M)
DATE OF DECISION :- April 02, 2018**

Kela Devi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Jai Singh Yadav, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

CRM No. 8706 of 2018

This is an application for fixing the case for an early date.

The application is allowed fixing the main case for today itself.

CRM-M No. 3229 of 2018

This petition for regular bail has been filed by petitioner Kela Devi, an accused in F.I.R. No. 527 dated 17.9.2017 for offences under Sections 148, 149, 323, 324, 307, 452, 506 IPC registered with Police Station Mahendergarh, District Mahendergarh.

Briefly stated the facts of the case as per the prosecution story are that on 14.9.2017 at about 8.30 A.M., when complainant Bhikha Ram was taking meals in his house then all of a sudden Rekha wife of his brother Hira Lal went running to the house of Shubh Ram and it came out that Kanwar Singh Meharchand sons of Guganram, Rajender son of Kanwar

Singh, Rajkumar son of Meharchand, Narender, Dara Singh sons of Jhabar, Kela wife of Meharchand, Bina wife of Dara Singh, Vikram son of Kanwar Singh were having axes in their hands and they had caused injuries to Shubh Ram and his son Sonu. When the complainant and others went inside the house of Bhika Ram, then they were also assaulted. Three persons namely Shubh Ram, Raghubir and Sher Singh had suffered injuries. The injuries found on the person of Shubh Ram and Raghubir were declared dangerous to life. Although in the F.I.R. it is alleged that the present petitioner was having an axe but no specific injury had been attributed to her.

As submitted by learned State counsel, during the course of investigation it came out that role played by the petitioner was pulling of hair of Rekha wife of Hira Lal. She was arrested on 30.12.2017.

The petitioner had filed an application for regular bail before the Court of Sessions but the same was dismissed, as such she has knocked the door of this Court for grant of similar relief by filing the present petition, notice of which was given to the State.

Learned State counsel has opposed the request of the petitioner for grant of regular bail.

I have heard learned counsel for the petitioner, learned State counsel besides going through the record.

The petitioner is stated to be an aged woman of 65 years. The role in the incident attributed to her is to the extent of pulling hair of one of the victims. Prem Devi co-accused of the present petitioner is stated to have been granted pre arrest bail by Additional Sessions Judge, Narnaul vide order dated 16.1.2018.

Though it is stated that challan has been filed but charge is yet to be framed. The trial is likely to take some time. Therefore, without going into the merits of the case, I find that it would be in fitness of things if the present petition is allowed. The petitioner is ordered to be released on bail on furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Narnaul subject to the following conditions : -

- (i) she shall appear in the Court on each and every date of hearing.
- (ii) she shall not give any threat or intimidation to the prosecution witnesses.
- (iii) she shall not leave India without prior permission of the Court and shall surrender her Passport, if she has got one otherwise to furnish affidavit in that regard.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to her, the order shall be liable to be withdrawn.

(H.S. MADAAN)
JUDGE

April 02, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No