

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39178-2018

Date of Decision: 22.11.2018

Sita Ram

...Petitioner

vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vikas Bishnoi, Advocate, for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN,J

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No. 103 dated 24.03.2018 under Sections 323/34/452/506 IPC, Section 307 IPC was added later on, registered at Police Station Sadar Fatehabad, District Fatehabad.

Counsel for the petitioner submits that co-accused of the petitioner, namely, Manju wife of injured Subhash has already been granted concession of regular vide order dated 10.10.2018 passed in CRM-M-37671-2018. The relevant part of the said order is reproduced as under:-

“Learned counsel for the petitioner submits that the FIR was registered on the instance of the petitioner and later on, the police during investigation arrayed the petitioner herself as an accused on the premise that there was evidence that petitioner and co-accused Sita Ram have caused injuries to petitioner's husband Subhash Bishnoi.

Learned counsel for the petitioner further submits that during investigation the police has even found co-accused Krishan Kumar to be innocent and,

therefore, it is to be decided during the course of trial as to whether the petitioner had any role in the present incident or not as she was the complainant in the present FIR.

Learned counsel for the petitioner further submits that the petitioner is a lady and a labourer; has two minor children and she is not involved in any other case. It is also submitted that challan stands presented and the case is now fixed for prosecution evidence, hence, it will take a long time in conclusion of the trial.

Learned State counsel, on instructions from ASI Mohinder Singh, has not disputed the aforesaid facts and submits that only one prosecution witness has been examined so far.”

Counsel for the petitioner submits that the petitioner is in custody for the last about 11 months and recovery from the petitioner is of a stick and mobile phone. He further submits that the challan stands presented in the Court and the case is now fixed for prosecution evidence. Counsel further submits that the petitioner is not involved in any other case and conclusion of the trial will take long time.

Learned State counsel has not disputed the aforesaid facts.

Without commenting anything upon the merits of the case, considering the facts that petitioner is in custody for last about 11 months; not involved in any other case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

22.11.2018
smriti

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No