

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

205

CRM-M No.4891 of 2018
Date of Decision: February 9th, 2018

Rajo Devi and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Vineet Sehgal, Advocate
for the petitioners.

Mr. Kuldeep Singh, Senior Deputy Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Counsel for the petitioners, after arguing for some time, prays for withdrawal of the present petition qua petitioner No.2-Minaxi Sharma at this stage.

Dismissed as withdrawn at this stage as prayed for.

Qua petitioner No.1-Rajo Devi, counsel for the petitioners submits that she is 60 years old and was not residing with Minaxi Sharma or deceased Shashi Kant (husband of Minaxi Sharma). He contends that even if the allegations in the FIR are taken to be correct, it is apparent that she was not with the deceased and the co-accused, rather off and on, she is alleged to have been visiting her daughter, co-accused, when she along with her daughter has been harassing and maltreating the deceased. He contends that the investigation is over and even the charge has been framed after the presentation of the challan and the case is fixed for evidence of the prosecution. She would not be in a position to intimidate or influence any of the witnesses and further that the trial is not likely to conclude soon.

Prayer has thus been made that she be granted the concession of regular bail.

On the other hand, learned counsel for the State, on instructions from ASI Gurbhej Singh, G.R.P., Jalandhar, could not dispute the fact that petitioner No.1-Rajo Devi had not been residing with co-accused-Minaxi Sharma and the deceased, however, he contends that as per the allegations and the evidence including the suicide note, petitioners had been harassing and intimidating the deceased. He, therefore, contends that she be not granted the concession of bail.

Having considered the submissions made by learned counsel for the parties and keeping in view the fact that petitioner No.1-Rajo Devi is 60 years of age and had not been residing with the co-accused and the deceased, especially when the charges have also been framed, no useful purpose would be served by keeping her in incarceration any further at this stage as the trial is not likely to conclude soon as none of the witnesses have been examined till date, the present application is allowed.

Petitioner No.1-Rajo Devi is hereby directed to be released on bail to the satisfaction of the trial Court, Kapurthala.

February 9th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No