

CRM-M-7428-2019 (O&M)

Date of decision:25.02.2019

Saroj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Rakesh Kumar Lathwal, Advocate and
Mr. Man Mohit Malik, Advocate
for the petitioner.

Mr. Tanvir Josh, AAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.469 dated 18.08.2018 under Sections 148, 149, 302, 323, 325 of IPC, registered at Police Station Sadar, District Sonipat.

Learned counsel for the petitioner contends that although the name of the petitioner is involved in the case, however, even as per the case of the prosecution, the allegation against the petitioner is that she caused blow with fukni (small iron pipe) on the leg of the deceased. It is further submitted that there is no corresponding injury found on the body of the deceased, as per the post mortem report. The fatal injuries are not attributed to the petitioner. The petitioner is in custody since 04.09.2018. Challan has been filed. Therefore, the petitioner is not required for any investigation purposes.

On the other hand, learned State counsel, being instructed by ASI Dilawar Singh, submits that the petitioner is involved in a heinous crime of committing murder. It is further submitted that it is the son of the

petitioner, who has caused fatal injuries to the deceased. However, it is not disputed that the injury attributed to the petitioner is only a blow given by her on the leg of the deceased. It is also not disputed that there is no corresponding injury found on the dead body of the deceased as per the post mortem report.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to her furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

25.02.2019
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No