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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-7826-2019

Date of Decision : May 07, 2019

Bala Devi

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Argued by Mr. Narender Pal Bhardwaj, Advocate,
for the petitioner.

Mr. Ashish Sanghi, DAG, Haryana,
for respondent-State .

SHEKHER DHAWAN, J.

Present petition under Section 439 of the Code of Criminal Procedure is for grant of regular bail in case bearing FIR No.150 dated 07.05.2017 (Annexure P/1) under Sections 148, 149 and 302 IPC registered at Police Station Madhuban, District Karnal.

2. Facts relevant for the purpose of decision of the present petition; the above mentioned FIR was registered on the statement of Manoj Kumar and the alleged occurrence had taken place on 6.5.2017 and in the alleged incident, Vijay, cousin brother of the complainant lost his life. As per the prosecution, Ram Phal, his wife Bala Devi (present petitioner) and sons of Ram Phal, namely, Sagar and Munim had assaulted Vijay (since deceased). Attribution to the present petition is being armed with

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danda and having delivered *danda* blows on the body of Vijay. Sagar and Munim are stated to have inflicted knife blows on the stomach, chest and shoulders of Vijay.

3. Learned counsel for the petitioner contended that the petitioner is in custody since 8.5.2017 and co-accused Ram Chander, whose role is identical to the present petitioner has already been admitted to bail as per orders dated 12.02.2018 passed by this Court in CRM-M-47961 of 2017. So, the present petitioner be also released on bail.

4. Learned State counsel opposed the bail application on the ground that all the accused had committed murder of Vijay.

5. Having considered the submissions made by learned counsel for the parties and appraisal of record of this case file and the fact that the petitioner is in custody since 8.5.2017, the role attributed to the present petitioner is of causing *danda* blows; incised wounds with knife blows have been attributed to Sagar and Munim. Ram Chander, co-accused, who is similarly placed, has been admitted to bail as per orders dated 12.02.2018 passed by this Court in CRM-M-47961 of 2017 (Annexure P/10). No purpose would be served by keeping the petitioner behind the bars and the present petitioner also deserves to be admitted to bail.

6. Resultantly, the present petition stands allowed and petitioner, Bala Devi is ordered to be released on regular bail subject to her furnishing bail and surety bonds to the satisfaction of the trial Court concerned/Duty Magistrate.

7. Any observation made herein above shall have no bearing on

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the merits of the case.

(SHEKHER DHAWAN)
JUDGE

May 07, 2019
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Whether speaking/reasoned?	:	Yes
Whether reportable?	:	Yes