

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-26454 of 2019

DATE OF DECISION: JULY 12, 2019

BALA DEVI

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. SUMER SINGH, ADVOCATE FOR THE PETITIONER.
MR. SUKHDEEP PARMAR, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.445 dated 28.11.2017, under Sections 148, 149, 302, 323, 325 and 506 IPC, Police Station Matlauda, District Panipat, during pendency of the trial.

The FIR was registered on the statement of complainant Pala Ram son of Kanwarbhan, wherein it is alleged that on 28.11.2017 at about 9.30 a.m. he alongwith his brothers, mother and wife went to his fields for cultivation. His father, namely, Kanwarbhan also followed them and reached at the fields. In the meantime, the accused alongwith other co-accused armed with lathies and dandas reached there exhorting to teach them a lesson for cultivating the land and attacked them. On raising an alarm, the mother, wife and father of the complainant came to their rescue, who were also given several injuries. It has further been stated that Ankit and Anoop gave lathi blows to the father of the complainant and on receipt of the same, he fell down and died at the spot.

Learned counsel for the petitioner contends that the petitioner was earlier declared Proclaimed Offender, however, she is in custody since her arrest on 24.4.2019. It is submitted that challan has already been submitted against her and the investigation is complete. Attention of this Court is invited to the judgement of acquittal in respect of other co-accused and the statements of PW1 to PW5 to contend that the witnesses had turned hostile in respect of the other co-accused. Learned counsel contends that no useful purpose will be served by keeping the petitioner in custody.

On the other hand, learned State counsel has opposed the prayer on the ground that the evidence adduced by the prosecution in respect of the other accused cannot be read in favour of the petitioner. He does not dispute the fact that the trial in respect of other co-accused has already ended in acquittal. It is not disputed that the petitioner had not caused any injury to the deceased.

Considering the custodial period of the petitioner, status of the case and the fact that the petitioner is a lady, further detention of the petitioner is not justified. Without commenting anything upon merits of the case and considering the custody and status of the trial, the petitioner, namely, Bala Devi wife of Krishan is admitted to regular bail subject to her furnishing requisite bail bond and surety bond to the satisfaction of the trial Court.

The petition is allowed.

July 12, 2019
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No