

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

210

CRM-M-44283-2019

Date of decision: 03.12.2019

Roshni

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ramnish Puri, Advocate for the petitioner.

Mr. Arjun Singh Yadav, AAG, Haryana.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present first petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.273 dated 22.06.2019 under Sections 302, 323 and 34 of the Indian Penal Code, 1860 (for short, “the IPC”) and Section 25 of the Arms Act, 1959 registered at Police Station Gannaur, District Sonipat, to which Sections 216, 307 and 120-B of the IPC were added lateron.

The petition has been opposed by the learned State counsel in terms of status report filed by way of affidavit of Sh.Sandeep Kumar, HPS, Deputy Superintendent of Police, Ganaur, Sonipat.

I have heard learned counsel for the petitioner and learned State counsel and gone through the record.

Learned counsel for the petitioner has argued that the petitioner is 65 years old. She has been falsely implicated in the case due to being mother of one of the co-accused named Kuldeep @ Kaldu.

Only role attributed to the petitioner is that she came, abused and

started fighting with the complainant party. None of the injuries caused to the deceased is attributed to the petitioner. No recovery was made from her possession. The petitioner is in custody since 22.06.2019. No useful purpose will be served by keeping her in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has argued that the petitioner in conspiracy with her co-accused had actively participated in the crime and beaten the deceased. The petitioner does not deserve the grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, particularly the age of the petitioner, the facts that none of the injuries caused on the person of the deceased is attributed to her, no recovery was made from her, none of the 28 prosecution witnesses has been examined so far and the trial is likely to take long time but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the Trial Court/Chief Judicial Magistrate, Sonipat.

03.12.2019

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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