

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

208

CRM-M No.9074 of 2020

Date of Decision: May 29th, 2020

Rajni

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Apoorv Garg, Deputy Advocate General, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for grant of regular bail to the accused, who is a lady aged 45 years and is in custody since 02.11.2019 in FIR No.539 dated 29.10.2019 registered under Sections 148, 149, 307, 323, 324, 341 and 506 IPC at Police Station City, Fatehabad.

As per the evidence, which has been collected against the petitioner whose name does not figure in the FIR, it appears that she had, in the CCTV footage of the vicinity, handed over the stick (*danda*) being carried by her to one of the co-accused. Out of the total six accused, two of them are juvenile and the two other accused, who are sons of the petitioner have not been arrested as yet. It has also been stated that the challan has been presented and the next date of hearing before the trial Court is 03.06.2020, on which date the case is likely to be adjourned because of the pandemic as the Courts below are not taking up the routine matters and only urgent cases are being taken up. Prayer has thus been made for the grant of bail to the petitioner as she is in custody for the last six months.

Counsel for the State, on the other hand, contends that the petitioner has played an active role in the commission of the offence as is apparent from the CCTV footage. She not only was carrying a danda but

had handed it over to one of the co-accused, who has used the same for hitting deceased-Virender Kumar. He, therefore, contends that the concession of bail be not granted to her. Assertion has also been made that release of the petitioner on bail would further delay the process of arrest of the sons of the petitioner, who are still at large.

It has been pointed out by the counsel for the parties that on the death of deceased-Virender Kumar, Section 302 IPC has been added in the FIR.

I have considered the submissions made by the counsel for the parties and keeping in view the facts and circumstances of the case, especially the non-mentioning of the name of the petitioner in the FIR, non-causing of any injury to the deceased and merely because she was holding a *danda* and handed it over to one of the co-accused, with she being in custody for last more than six months with the trial not likely to conclude in near future, especially in the light of the pandemic, which is being faced by all of us, the present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Fatehabad.

Any observations made hereinabove are for the purpose of disposal of the present petition alone and shall have no bearing on the merit of the case during the trial in any manner.

May 29th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No