

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
205**

CRM-M No. 15736 of 2020

Date of decision : September 21, 2020

(Through Video Conferencing)

Savitri

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Parveen Kaushik, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG., Haryana.

Manjari Nehru Kaul, J (oral).

The present petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner, in case FIR No. 1314 dated 15.12.2018 under Sections 346 IPC (Section 302,120-B,201 and 34 IPC were added later on) registered at Police Station Sadar Jhajjar, District Jhajjar.

In compliance to the order dated 10.8.2020 a report from the Civil Surgeon, Jhajjar has been filed through e-mail by the learned State counsel with regard to the disability of the petitioner's husband. The same is taken on record subject to all just exceptions. Registry is directed to tag the same at an appropriate place.

As per the report received the petitioner's husband is 100% disabled. As per the report, out of the three children of the petitioner two are unmarried and one of them is in custody and is facing trial in the aforementioned FIR.

Learned counsel for the petitioner has submitted that it is a case resting on circumstantial evidence of the petitioner and the petitioner was

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nominated as an accused on the disclosure statement of her son co-accused namely Deepak. He has further submitted that the petitioner has been in custody since 18.4.2019 and till date only charges have been framed. Hence the trial is unlikely to conclude in the near future. He has further submitted that in the wake of disability of her husband, a compassionate view be taken for extending the concession of regular bail to the petitioner.

Per contra, learned State counsel while opposing the grant of regular bail to the petitioner on instructions from ASI Karambir has not been able to controvert the the factum of the petitioner being nominated as an accused on the basis of disclosure statement of her son i.e. co-accused Deepak. He has submitted that though there are no direct allegations against the petitioner, however she was one of the conspirators to the crime in question.

Heard.

In view of the submissions made by learned counsel for the petitioner and keeping in view the fact that the petitioner has been in custody since 18.4.2019 and due to the outbreak of the pandemic Covid-19 the trial is unlikely to conclude in the near future, I deem it a fit case to grant the concession of regular bail to the petitioner. Therefore, without expressing anything on the merits of the case, the instant petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the trial court/Duty Magistrate.

(MANJARI NEHRU KAUL)
JUDGE

September 21, 2020

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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No