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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.15970 of 2020

Date of Decision: 14.09.2020

RAJBALA

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Jitender Dhanda, Advocate for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

Mr. Ajit Singh Lamba, Advocate for the complainant.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.35 dated 30.01.2020, registered under Sections 302, 323, 325, 452, 34 IPC at P.S. Azad Nagar, Hisar.

The FIR was registered at the instance of Santra Devi widow of Satbir. The allegations are that her elder son Shamsheer lives in the village and her younger son Surender lives on the agricultural land. The complainant and her husband Satbir used to live separately from both the sons. The eldest son Shamsheer has some grudge against the parents regarding

family partition of the house and a criminal case was registered against him on account of beatings given to the complainant-party. On the previous night, the husband of the complainant and complainant after taking dinner were sleeping in the house. At about 9.00 p.m., Shamsheer his wife Rajbala (petitioner), his sons namely Mohit and Pramod and grand daughter Neeta along with Gheelu son of Attar Singh son of Deva and few other persons entered in their house. They held the complainant-party against the cot. The grand daughter and daughter-in-law of the complainant started beating her with canes/batons. Shamsheer inflicted baton blows on the head of Satbir repeatedly. Mohit, Pramod and Gheelu also hit husband of the complainant with cane, lathi and rod. They also inflicted injuries to the complainant with their weapons. The injuries on the person of Satbir ultimately proved fatal and he succumbed to the injuries.

Learned counsel for the petitioner submitted that the petitioner is a lady and has not inflicted any injury to the deceased. The injuries are non-specific in nature. At the most the petitioner is author of simple injury with danda on the person of the complainant. Co-accused are found to be innocent during investigation. Petitioner is in custody since 06.02.2020. The common intention on behalf of the petitioner and others would be subject to the nature of evidence to be led by the prosecution

at trial.

Learned State counsel on instructions from ASI Vinod Kumar admitted the aforesaid facts and submitted that co-accused namely Mohit, Pramod, Anita, Rakesh @ Dillu and Anil have been declared to be innocent by the Police. Challan has been presented, but charges have not been framed so far. Due to the situation arising out of COVID-19 pandemic, trial of the case may take some time in its culmination.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

September 14, 2020

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No