

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

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**CRM-M No.22123 of 2020 O&M)
Date of decision:21.09.2020**

Ramrati

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vinod Ghai, Senior Advocate with
Ms. Kanika Ahuja, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to
Covid-19 pandemic.

CRM-22082-2020

Prayer in the application is for placing on record order dated
19.03.2020 passed by the learned Additional Sessions Judge, Jind, as
Annexure P-5.

Notice of the application.

Mr. Rajiv Sidhu, DAG, Haryana, who is present through video conferencing, accepts notice on behalf of the respondent. He has no objection in case the prayer is accepted.

Application is allowed.

Order, Annexure P-5 is taken on record.

Main case

Present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.344, dated 20.10.2019 registered under Sections 302, 34 of IPC at Police Station Sadar Jind, District Jind (Annexure P-1).

Learned senior counsel has argued that the petitioner is a 62 years old lady and her name has come up during the disclosure statement of the main accused i.e. Ram Mehar, who is her son. According to the counsel, the allegation against the petitioner are that she had hit the deceased resulting in injuries which led to his death. He argues that the investigation agency has supported this allegation with the statement of eye-witness, Jasbir Singh, Annexure P-2, which was recorded on 05.11.2019, i.e. after the period of 16 days of the registration of the FIR, who alleged that the petitioner had caused injuries with a bamboo stick on the legs and Ram Mehar had caused injuries with a cricket bat on the waist of the deceased. He asserts that the deceased was working as a Helper in a school bus, where the grand-daughters of the petitioner were studying and the deceased used to harass them. On the intervening night of 19/20.10.2019, the deceased had intruded the house of the petitioner

and upon being caught, he was allegedly thrashed by the petitioner as well as Ram Mehar. Learned senior counsel argues that even if the statement of the eye-witness, Annexure P-2, is taken to be correct, the petitioner had a right to act in her defence. According to the counsel, the petitioner is in custody since 21.10.2019 and she is not involved in any other offence and the trial is not likely to conclude due to outbreak of the pandemic.

Per contra, learned State counsel, upon instructions from ASI Surinder Singh, has opposed the petition and submitted that on the basis of the disclosure statement of the petitioner, blood stained bamboo stick was recovered and the blood group on it matched with the blood group of the deceased. He submits that as per the MLR, there were 14 injuries on the deceased and the death had occurred as a result of these. As per his instructions, challan was filed on 06.01.2020 and the charges are yet to be framed. He has filed the custody certificate dated 18.09.2020, which is taken on record.

I have considered the rival submissions of the parties.

The probability of the death having been caused as a result of injuries inflicted with a bamboo stick by a 62 year old lady, is debatable.

Keeping in view the facts and circumstances in their totality, the period of incarceration of the petitioner and the fact that the conclusion of the trial is likely to take time due to outbreak of the contagion, no useful purpose would be served by keeping the petitioner in further detention. Without commenting anything on the merits of the

case, the petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing bail/sur.ety bonds to the satisfaction of trial Court/Duty Magistrate.

21.09.2020
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No