

In the High Court of Punjab and Haryana at Chandigarh

(Proceedings conducted through Video Conference)

CRM-M- 22651 of 2020

Date of Decision: 19.8.2020

Anita

---Petitioner

versus

State of Haryana

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Pratham Sethi, Advocate
for the petitioner**

Mr. Rohit Arya, DAG, Haryana

Rekha Mittal, J.

The petitioner prays for grant of regular bail in FIR No. 467 dated 26.6.2020 registered at Police Station, City Sonapat District Sonapat for offence punishable under Sections 323, 341, 506 read with Section 34 of the Indian Penal Code, 1860 (in short "IPC"), Section 307 IPC added later, pending trial.

Counsel for the petitioner would argue that no specific injury has been attributed to the petitioner, mother of one of the co-accused/ non-applicant Rahul. It is further argued that as per allegations raised in the FIR, the injured sustained injury of brickbat blow attributed to Rahul and Sachin. He (complainant) has also levelled allegations that another co-accused namely Akash gave brickbat blow, kick blows while he (complainant) was lying on the ground after receipt of injury at the hands of

Rahul and Sachin. It is vehemently argued that in respect of an occurrence

allegedly took place on 20.6.2020, the victim did not record his statement to the police on 21.6.2020 despite his being declared fit for statement and on the pretext that he would make the statement after consultation with his family. It is argued that even if co-accused in the case have not been arrested, the same can not be a ground to deny bail to the petitioner, aged about 51 years and in custody since 20.7.2020.

Counsel representing State of Haryana has opposed the prayer for grant of bail by seeking shelter to contentions raised by public prosecutor before the court below, noticed in para 5 of order dated 7.8.2020 (Annexure P-2) and observations made by the Additional Sessions Judge in the said order.

Counsel for the petitioner, in reply, would inform that Rahul son of the petitioner was arrested in the case. He would further inform that all other accused in this case are in judicial custody.

Perusal of allegation raised in the FIR would reveal that no specific injury has been attributed to the petitioner, mother of one of the co-accused namely Rahul. The allegations against the petitioner are that Rahul and Akash sons of Jaikishan, their friend Sachin and a women, mother of Rahul started beating them. The law is more liberal with regard to grant of bail to a woman. The injured has already been discharged from the hospital. There is no allegation that petitioner is likely to flee from process of justice, in case enlarged on bail.

Without meaning to express any opinion on merits of the controversy, bail to the petitioner subject to her furnishing bail bonds to the satisfaction of Chief Judicial Magistrate/ Additional Sessions Judge (on

duty), Sonapat. However, she shall abide by the following conditions:-

(i)She shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and

(ii)She shall not leave India without previous permission of the Court.

Disposed of.

(Rekha Mittal)
Judge

19.8.2020

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