

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

212

CRM-M-30349-2020

Date of decision: 08.10.2020

Saraswati

....Petitioner

versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Aman Pal, Advocate, for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

Mr. Ashit Malik, Advocate for the complainant.

*(the aforesaid presence is being recorded through video**conferencing since the proceedings are being conducted in Virtual Court).*

GIRISH AGNIHOTRI, J. (Oral)

Petitioner-Saraswati, stated to be aged 61 years, has filed the present petition under Section 439 Cr. P.C. *inter alia* praying for grant of regular bail in case FIR No.493 dated 28.12.2019, under Sections 302, 304-B of IPC, registered at Police Station Ladwa, District Kurukshetra.

Learned counsel for the petitioner has referred to the FIR and the pleadings in the petition. It is submitted that there were 5 persons named in the FIR, however, on 25.07.2020, the challan has been presented against 3 persons. It is submitted that the petitioner is the mother-in-law of the deceased. It is also submitted that there are no specific allegations made against the petitioner. The petitioner being senior citizen and is suffering from various illnesses. Learned counsel for the petitioner also submits that

the co-accused, namely, Mehma Singh (husband of the petitioner), had already been granted regular bail by this Court vide order dated 03.09.2020 passed in *CRM-M No.25302 of 2020*.

Learned State counsel, on instructions from SI Paramvir, submits that the challan was presented on 03.04.2020. There are a total of 17 witnesses and none have been examined till date. Charges are yet to be framed.

Learned counsel for the complainant submits that he has supplied recording of the calls dated 28.12.2019 between the petitioner and the complainant, however, till date the same has not been taken cognizance of by the police. He submits that in fact a perusal of the disclosure statement would show that the husband of the deceased used to give beatings. Therefore, he opposes the bail on merits.

Counsel for the petitioner then submits that the co-accused, namely, Mehma Singh, had already been granted regular bail by this Court vide order dated 03.09.2020 passed in CRM-M No.25302 of 2020. Learned counsel however submits that due to COVID-19 situation retention of the petitioner in jail is dangerous to her life and otherwise also the trial is likely to take some time.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct the release of the petitioner on regular bail subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of the Duty Magistrate/trial court

concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression on merits of the case.

Disposed of.

08.10.2020.
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(GIRISH AGNIHOTRI)
JUDGE

Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No