

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35944-2020

Date of Decision : 09.11.2020

RAMWATI @ RAMRATI

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM : HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Sunil Saharan, Advocate for the petitioner.
Ms. Mahima Yashpal, DAG, Haryana.

Harinder Singh Sidhu, J

The case has been taken up through video conferencing on account of Covid-2019 pandemic.

Prayer is for grant of bail in case FIR No.533, dated 19.07.2020 under Sections 148, 149, 307, 323, 341 and 506 of IPC, 1860 (Section 302 added later on) registered at Police Station HTM Hisar, District Hisar.

The FIR in the present case was registered on the statement of complainant Deepak, who alleged that on 19.07.2020, at about 9.30 a.m., the complainant along with his brother-in-law was going for some work. When they reached near Peer Baba, then Manish after giving signal called them and enquired as to why they had not returned the money to Phuli Devi which had been lent on his assurance. Upon this, the complainant told that the amount would be returned slowly. While both the complainant and Manish were talking to each other, Vishal armed with a Danda in his hand inflicted a blow on the head of the complainant. Thereafter, the complainant

and his brother-in-law ran away to their house. They narrated the entire incident to the parents of the complainant, who thereafter went to the house of Manish to hold a protest. The complainant (Deepak) and his brother Bittu also followed them. It is alleged that in the street, Kamal, Manish, Monu, Vishal and Ritik besides present petitioner i.e mother (Ramwati @ Ramrati) of said Manish along with 3/4 other boys, were standing there being armed with rods, lathis and dandas in their respective hands. Kamal and Manish, who were having rod and danda in their respective hands inflicted blow on the head of brother of the complainant. As a result, his brother fell down. Then, all of them gave injuries with lathis on head and other parts of the body of Bittu-brother of the complainant with an intention to kill him. Thereafter, the sister of the complainant, Tinku also reached the spot and then all the accused inflicted injuries to his sister with bricks. Then all the accused ran away with their respective weapons on seeing the people of locality coming to the spot. They rushed brother of the complainant to Churamani Hospital, Hisar and thereafter from Churamani Hospital to Sapra Hospital, Hisar. Earlier, the FIR was registered for the offence under Sections 148,149,307,506,323 IPC but on 22.07.2020, Bittu-brother of the complainant died and the case was converted to one under Section 302 IPC apart from other Sections aforesaid.

Learned counsel for the petitioner stated that though as per the FIR, all the accused were armed with lathis and dandas but it has not been specifically stated that the petitioner was armed with any weapon. Moreover, no specific role is attributed to the petitioner. He further contends that as per the MLR, the deceased suffered only one injury with the iron rod which is attributed to co-accused Manish. No recovery has been

effected from the petitioner and that she being 64 years old lady is in custody since 23.07.2020.

Opposing the contention raised on behalf of the petitioner, learned State counsel states that the investigation is complete and the challan has been presented.

Without commenting anything on the merits of the case and also bearing in mind the custody period coupled with the fact that on account of the current Covid-19 situation where the trial proceedings are being adjourned from time to time, in my opinion, no useful purpose would be served by keeping the petitioner behind the bars. In view thereof, the present petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, Hisar.

November 09, 2020

Manpreet/manoj

(Harinder Singh Sidhu)

Judge

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No