

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

101

CRM-M No.35835 of 2020
DATE OF DECISION : 4th NOVEMBER, 2020

Savitri

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present : Mr. Sushil Sheoran, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.95 dated 19.06.2020 registered under Sections 147, 148, 149, 323, 325 & 506 IPC (Sections 307 & 302 IPC, added later on) at Police Station Bond Kalan, District Charkhi Dadri.

It is contended by learned counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is a widow. However, all the family members of the petitioner, including her, have been involved in this case. Still further, it is submitted that it is a case of version and cross-version, in which even the petitioner was caused injury by the other side. So far as the role of the petitioner in the present FIR is concerned, it is submitted by the counsel that even as per

the case of the prosecution no injury to the deceased-Suraj Bhan, is attributed to the petitioner. The only role attributed to the petitioner is qua catching-hold of one Chandro Devi and causing injury to her, which is alleged to be simple in nature. It is also submitted by the counsel for the petitioner that, in fact, even the offence under Section 302 IPC is not attributable in this case at all. After the deceased was admitted to the PGI Rohtak, he was discharged after treatment from the PGI after three days only. Thereafter, the death occurred after about 20 days because of intervening head injury due to falling down in a toilet of another hospital. It is further submitted that there is no other case against the petitioner. The counsel has also submitted that the petitioner would join the investigation. Hence, the petitioner deserves to be protected against her arrest.

Notice of motion.

Mr. Rupinder Singh Jhand, Addl. AG, Haryana, accepts notice on behalf of the State.

The learned State Counsel, being instructed by ASI Vikas, has submitted that the name of the petitioner has been mentioned in the FIR and her name had come in the first version itself. However, it is not disputed that the petitioner is not attributed any injury to the deceased-Suraj Bhan. It is also not disputed that the only role attributed to the petitioner is qua catching hold of Chandro Devi and qua causing simple injury to her. It is also not disputed that it is a case of version and cross-version, in which even the petitioner suffered injury at the hand of the other side. Still further, it is also not disputed that there is no other case against the petitioner.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of her arrest, the petitioner shall be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of Arresting/Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

4th NOVEMBER, 2020
‘raj’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>