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

CRM-M-50059 of 2019

Date of decision: September 17, 2020

Rukmani

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vivek K. Thakur, Advocate for the petitioner.

Mr. Pardeep Prakash Chahar, DAG Haryana.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner in FIR No.274 dated 12.05.2019, under Sections 148, 149, 323, 302 and 506 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Samalkha, District Panipat.

Brief facts of the case are that FIR was registered on the statement of Rajbala (complainant) with the allegations that on 11.05.2019, in the morning, when she went to Krishan son of Baljeet (brother-in-law) for making a grievance, he hugged her with bad intention, outraged modesty and also gave beatings. Consequently a complaint was made to Police Station Samalkha, but upon persuasion of family members and respectable of the village, two days' time was granted to resolve the matter. Complainant side are having a common *bara* (enclosure) with assailants, namely Baljeet and Gaje Singh, who

used to tie their animal in said *bara*. Today i.e. 12.05.2019, when she along with her daughter-Sonia went for tying her animals then she found that Virender, Sanjay and Krishan sons of Baljeet, Deepak son of Virender, Suman wife of Krishan, Poonam wife of Sanjay, Sita wife of Virender and Rukmani (petitioner), were armed with *lathis*, *dandas*, *gandasi* and raised *lalkara* to kill her. Upon this, Suman, Poonam and Rukmani gave beatings to complainant with *dandas*. Her daughter rushed towards house raising an alarm; in the meantime, her father-in-law, namely Randhir (deceased) and brother-in-law (Rohtash) came there for her rescue. Thereafter, Deepak gave *gandasi* blow on the head and elbow of the deceased; whereas, Virender, Sanjay and Krishan gave *danda* blows to the deceased as well as Rohtash. Upon seeing several persons gathering there, assailants fled away from the spot. Randhir and Rohtash were taken to CHC Samalkha, from where they were referred to PHC Khanpur. Thereafter, they were referred to PGI Rohtak, where Randhir succumbed to the injuries.

Contends that petitioner is aged more than 70 years and in custody since 26.05.2019. Also contends that after investigation in the matter, report under Section 173 of Cr. P.C. has already been presented and even the charges were framed on 13.03.2020. Further contends that out of total 30 prosecution witnesses, none has been examined till date. It is also the contention that there is no criminal background of the petitioner; rather she has been attributed only simple injury to the complainant and not to the deceased.

The above factual position is duly acknowledged by the

learned State counsel, on instructions from police official, but opposed the prayer of the petitioner while submitting that she was very much present at the time of occurrence.

Heard both sides and perused the paper-book.

Concededly as per case of the prosecution, there is no allegation that petitioner caused any injury to the deceased; rather only simple injury is attributed to have been caused to the complainant. Petitioner is a female, more than 70 years old and in custody since 26.05.2019. Investigation in the matter is already over. Charges were framed on 13.03.2020, but no prosecution witness has been examined till date due to COVID-19 and as such trial will take sufficient long time, thus, her further incarceration would not serve any purpose.

In view of the above, this petition is allowed. Petitioner is ordered to be released on bail, in this case, on her furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

September 17, 2020
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No