

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1688-2021

Date of Decision: 19.01.2021

Rajni

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Sunil Panwar, Advocate,
for the petitioner.

Mr. Munish Sharma, Assistant Advocate General, Haryana,
for the respondent.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the petitioner in FIR No.210 dated 12.09.2020, under Sections 323, 452, 506 and 34 of the Indian Penal Code and lateron added 307 IPC, registered at Police Station Bhondsi, District Gurugram (Haryana).

As per the allegations contained in the FIR, the complainant, namely, Kanta Devi aged 70 years informed the police that on 02.09.2020 at around 09:00 p.m., the petitioner alongwith her two sons, namely, Harkesh (Rajesh) and Yaman suddenly came to her house and started beating her and her husband. Harkesh hit her husband on the head with the stick and her husband was injured badly and Rajni (Petitioner) pulled her ear rings and snatched her neck chain and threatened them.

The learned counsel for the petitioner has submitted that infact

so far as the petitioner is concerned, she has been falsely implicated in the present case. He has further submitted that infact there was a civil dispute between the family of petitioner and the complainant with regard to some property and a decree was passed in favour of the husband of the complainant and due to the civil dispute, the petitioner had mental ailment and ultimately he passed away. The learned counsel has further submitted that although, in the medical test conducted, it is stated to be some lacerated wounds but so far as the petitioner is concerned, even going by the allegations which have been contained in the FIR, the only allegation was that she pulled ear rings and snatched the neck chain and therefore, so far as the petitioner is concerned, Section 307 IPC is not attributable to the petitioner. He has further submitted that the other co-accused, who were the sons of the petitioner, have now been arrested by the police but so far as the petitioner is concerned, the investigation of the case is already complete and challan has already been presented qua the petitioner and no recovery is required to be made from the petitioner. He has further submitted that the petitioner is a 55 years old lady and her husband had already died and her sons are behind the bars. He further submitted that the petitioner is in custody since 07.10.2020 and the challan has already been presented qua her. He has therefore, prayed for grant of regular bail to the petitioner.

On the other hand, the learned State counsel has submitted that it is a case, which is serious in nature in view of the fact that the injuries were on the head and as per the medical also, injuries have been reported. However, the learned State counsel has not disputed the custody of the petitioner and he has also not disputed that challan with regard to the

petitioner has already been presented after investigation. However, he has submitted that the challans with regard to other two co-accused have not been presented because they were arrested lateron and has therefore, prayed for the dismissal of the present petition.

I have heard learned counsel for the parties.

The custody of the petitioner is not in dipsute. It is also not in dispute that the investigation qua the petitioner is already complete and the challan has already been presented in the Court. It is also not in dispute that no recovery is to be effected from the petitioner. The petitioner is a lady of 55 years and her husband has already passed away. It is not a case of the State that in case the petitioner is to be released on bail then she can probably tamper with any evidence or may influence any of the witness and she may flee from justice.

Therefore, considering the totality of the facts and circumstances of the present case, I deem it fit and proper to admit the petitioner on bail. Consequently, the present petition is allowed. The petitioner shall be admitted to regular bail on her furnishing bail/surety bonds subject to the satisfaction of the learned trial Court/Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

19.01.2021
adhikari

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/non-speaking	:	Yes/No
Whether reportable	:	Yes/No