

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

214

CRM-M No.21326 of 2021
Date of decision:28.06.2021

Poorra Devi

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.528, dated 10.11.2019 registered under Sections 323, 452, 506, 34 (302, 201 IPC were added later on) registered at Police Station Sonipat Sadar, District Sonipat.

FIR has been registered on the complaint of Sawar, on the allegation that Ankush, son of Poorra Devi (present petitioner) had an altercation with his mother, Mehtab. On the instigation of the present petitioner, who caught hold of the arms of Mehtab (deceased), Ankush inflicted injury on her head with an iron pipe. Two of the co-accused, namely, Shahnaz, wife of Ankush and Tejvir came to the spot and held the complainant, who was also hit by Ankush. Mehtab was taken to a private hospital, where she expired a few days later due to cardiac arrest.

Petitioner was arrested on 03.12.2019.

Counsel for the petitioner submits that the petitioner, who is a lady of an advanced age, has been falsely framed as it is not possible to believe that she held the arms of the deceased, who was much younger in age and restrained her. He submits that the petitioner has been named simply because she is the mother of the alleged main accused, Ankush. He submits that the investigation is complete, challan has been presented, charge has been framed and the prosecution witnesses are being examined.

Opposing the petition, learned State counsel upon instructions from SI Surender, has submitted that FIR was initially registered under Sections 323, 452, 506 and 34 IPC and offence under Sections 302 and 201 IPC were added on 23.11.2019 after the death of Mehtab. He has instructions to state that the statement of the material witness, namely, Sawar-complainant has been recorded and he has supported the case of the prosecution. As per his instructions, 09 out of 18 witnesses have been examined and the trial is fixed for 16.09.2021 for the remaining evidence of the prosecution.

I have considered the rival submissions of the parties.

The material collected by the prosecuting agency would remain debatable. This Court is of the prima facie view that the petitioner would be entitled to the grant of concession of bail during the pendency of the trial.

Keeping in view nature of allegations, gravity of offence, stage of trial and in particular the age of petitioner, who is a 65 years old lady,

and is in custody for the last more than one and half year, this Court deems it appropriate to release her on bail subject to her furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

28.06.2021

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No