

CRM-M-22017-2021

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(PROCEEDINGS THROUGH VIDEO CONFERENCING)**

CRM-M-22017-2021

Date of Decision: 17th June, 2021

Kamla

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Ms. Suman Kumari, Advocate &
Mr. Sandeep, Advocate
for the petitioner.

Mr. Ankur Mittal, Addl. A.G., Haryana
for the State.

Mr. Raman Chawla, Advocate
for the complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.322, dated 12.10.2020, registered under Sections 147, 149, 323, 427 and 506 of Indian Penal Code (lateron Section 302 of IPC was added), at Police Station Uchana, District Jind.

It is the contention of the learned counsel for the petitioner that the petitioner is 58 years old widow. She was arrested in this case on 19.12.2020. Challan in this case stands presented but charge has yet not been framed. Total 23 witnesses have been cited by the prosecution and

therefore, the trial is not likely to conclude in near future. She further contends that even going by the FIR and the allegations made therein, it is apparent that the role attributed to the petitioner is that she had given a *danda* blow on the head of the mother of the complainant which injury was found to be simple in nature. She, therefore, contends that the petitioner be granted the concession of regular bail during the pendency of the trial.

Learned counsel for the State as also the learned counsel for the complainant, on the other hand, submit that it was a well-planned move on the part of the accused as they had come together to the house of the complainant and thereafter, proceeded to give them injuries. Assertion has been made that one of the injured ultimately had expired leading to addition of Section 302 of IPC. The petitioner was initiator of the whole episode and has caused the injury which has been attributed to her. She would be held responsible for the same in the commission of the offence. Prayer has, thus, been made for rejection of the present petition.

Having considered the submissions of the counsel for the parties and keeping in view the fact that the petitioner is 58 years old widow, who was arrested in this case on 19.12.2020, with the charge not yet framed and 23 prosecution witnesses to be examined, the trial is not likely to be concluded in near future. That apart, injury which is attributed to the petitioner although on the head, is simple in nature and that too, with a *danda* and therefore, the role which has been attributed to her cannot be said to be of such nature which would disentitle her from the concession of regular bail especially when she has completed more than six months in

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custody.

In view of the above, the present petition is allowed. Petitioner is ordered to be released on bail subject to her furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Jind.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

17th June, 2021
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No