

CRM-M-28297-2021

Date of Decision: 16.09.2021

Gulafsha

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. R.S.Manhas, Advocate, for the petitioner.
Mr. Munish Sharma, A.A.G., Haryana.
Mr. Manoj Pundir, Advocate, for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

This petition has been filed under the provisions of Section 439 of the Cr.P.C., for grant of 'regular bail' to the petitioner in case FIR No. 43, dated 11.03.2021, registered at Police Station Jathlana, District Yamuna Nagar, for the alleged commission of offences punishable under the provisions of Sections 148/149/323/302/506 of the IPC and Section 25 of the Arms Act, 1959 (with Section 25 of the Act of 1959 having been deleted later).

A reply dated 24.08.2021 has been filed on behalf of the respondent-State, which is ordered to be taken on record.

The reply is essentially a reiteration of the contents of the FIR, with it also stated that the petitioner, i.e. Gulafsha, along with her co-accused had rendered fist and leg blows to Kedar Nath, due to which he fell on the ground and eventually died.

Learned counsel for the petitioner, on the other hand, submits that the petitioner was not actually named in the FIR and other than that she

has two minor children, with three other co-accused already in custody even as per the affidavit of the DSP.

Learned counsel for the complainant on the other hand submits that the petitioner being the instigator of the entire occurrence, she does not deserve to be admitted to bail and as regards her not being named in the FIR, he and learned State counsel both submit that she has been named as one of the two sisters-in-law of Tayub, and simply because her specific name was not known, does not mean that she deserves to be admitted to bail by this court.

Having considered the matter, without making any comment on the actual merits of the case for or against the petitioner, which naturally would proceed on the basis of evidence led before the trial court, simply keeping in view the fact that the petitioner is one of the three women alleged to have been involved in the commission of crime along with their male co-accused (members of their family), and she has been in custody now for the past about 06 months, with her stated to be having two minor children, the petition is allowed. The petitioner shall be admitted to bail upon her furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Duty Magistrate/Chief Judicial Magistrate.

Naturally, her being admitted to bail would not affect the merits of the case in any manner, as already stated hereinabove.

September 16, 2021
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.