

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

229

CRM-M-31872-2021

DATE OF DECISION: 16.08.2021

ROSHNI DEVI

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Karan Singh, Advocate for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.28 dated 24.01.2021, under Sections 302, 323, 34 IPC (Section 302 was deleted and Section 304 IPC and Sections 3(2)(v) of SC/ST Act was added in the final investigation report filed under section 173 Cr.P.C.), registered at Police Station Safidon, District Jind (P.S. name is wrongly mentioned in the impugned order dated 02.07.2021 (P-5) as Sadar instead of Safidon).

Learned counsel for the petitioner contends that the it is alleged that the complainant had a matrimonial dispute with his wife and in connection therewith 04 persons including Vikram and the petitioner had come to their place on behalf of his wife. They had inflicted injuries with danda and given kick and fist blows to the complainant and when the mother of the complainant namely Kalawati came to rescue him, she was also given injuries and she died at the spot. He, however, contends that no definite medical opinion is there with regard to the cause of death as there was only one injury on the knee of the deceased. In the hystopathological report, no definite scientific opinion regarding the cause of death could be given as chemical and histopathological reports were negative. The petitioner is 62 year old lady and she is in custody for about 7 months since her arrest on 24.01.2021. The co-accused Prema @ Kala and Mahabir Singh have been granted regular bail by this Court in CRM-25560-2021 on 02.08.2021 and in CRM-M-23755-2021 on 02.07.2021 respectively.

Learned State counsel, upon instructions from ASI Krishan Kumar, contends that circumstantial evidence may be given due credence. He further contends that challan has been filed but no prosecution witness has been examined.

Heard.

In view of the above, especially when the petitioner is 62 year old lady, she is in custody for over 6 ½ months, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

16.08.2021

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No