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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M No. 28167 of 2020 (O&M)
Date of Decision: 16.03.2021

Bimla

-Petitioner

Vs

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vishal Sharma, Advocate,
for the petitioner.

Mr. Anant Kataria, D.A.G., Haryana.

Mr. Ankur Malik, Advocate,
for the complainant.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through
video-conferencing.

CRM No.7888 of 2021

This is an application for placing on record additional
documents.

For the reasons mentioned in the application, the
same is allowed and the accompanying documents are taken on
record, subject to all just exceptions.

Main case

Petitioner seeks grant of regular bail under Section

439 Cr.P.C. in case bearing FIR No.125 dated 21.03.2020 under Sections 323, 302, 34 IPC registered at Police Station Adarsh Nagar, Ballabgarh, District Faridabad.

Petitioner is a lady. As per allegations, FIR was registered at the instance of complainant- Sunil Malik with the allegations that on 21.03.2020, there was a verbal duel between the complainant party and the accused. Rahul and Manoj were pacified by the neighbours and thereafter, they went to their houses. The complainant also came back home from the shop. After some time, the petitioner (mother of Manoj) exhorted the complainant to come down. Rahul and Vishal came down where Manoj, Arjun, petitioner and both wives of sons of the petitioner started fighting with the complainant. Manoj called 8-10 boys and he hit Rahul with lathi after bringing out the same from his house. The blow hit on the head of Rahul. Arjun hit Rahul with a steel pipe. Petitioner and wives of sons of the petitioner inflicted danda and brick blows to Rahul . Rahul fell down. Complainant along with Vishnu and Rohtash saved him and took him to the hospital where he was declared dead.

Learned counsel submits that the petitioner being mother of Manoj is alleged to be author of simple injury. Her role is at par with her daughters-in-law who have been declared to be innocent during course of investigation.

Petitioner is in custody since 22.04.2020.

Challan has been presented. After framing of charges, 02 prosecution witnesses out of 18 prosecution witnesses have been examined.

Learned counsel for the petitioner submits that the petitioner is alleged to be accused of Section 34 IPC. Even in the order dated 23.07.2020 passed by Additional Sessions Judge, Faridabad, it has been observed that fatal injury has not been attributed to the petitioner, but her culpability is made out *prima facie* under Section 34 IPC.

On the other hand, learned State counsel duly assisted by learned counsel for the complainant opposed the bail on the ground that the petitioner is the main accused, at whose lalkara, the occurrence took place. She is author of danda and brick blows on the person of Rahul. The complicity of the petitioner would be dealt with by the trial Court with reference to quality of evidence to be led by the parties on record.

Having heard learned counsel for the parties, I find that the petitioner is a woman aged 56 years of age. Role of the petitioner is of inflicting danda and brick blows on the person of Rahul. The role is at par with her daughters-in-law who have been found to be innocent in the present case.

Without meaning anything on the merits of the case, the petition is allowed. Petitioner is directed to be released on regular bail, subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

16.03.2021
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No