

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-4311-2022

Date of decision : 24.03.2022

Sushila

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Pratham Sethi, Advocate
for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.0080 dated 29.04.2021 registered under Sections 148, 149, 323, 506 IPC (Sections 148, 149 IPC deleted and Sections 307/34 IPC added later on) at Police Station Bhuna, District Fatehabad.

Learned counsel for the petitioner has submitted that the petitioner is a lady of 50 years of age and she has been falsely implicated in the present case. He has also submitted that even as per the prosecution case, the petitioner has been attributed two injuries with stick (danda) and both the said injuries are simple in nature. He has further submitted that the petitioner is not involved in any other case and the petitioner has been in custody since 16.11.2021. There are 21 prosecution witnesses and none of them have been examined. He has also stated that even the offence under

opinion from the private doctor.

Learned State counsel has opposed the present petition for regular bail and has submitted that as per the FIR the petitioner along with 5 other accused had caused several injuries to 4 persons.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner is a lady of 50 years of age and has been attributed two injuries with stick (danda) and both the said injuries are admittedly simple injuries. The injury on the basis of which Section 307 IPC has been attracted, has not been attributed to the present petitioner. The petitioner has been in custody since 16.11.2021 and there are 21 prosecution witnesses and none of them have been examined and thus, the trial is likely to take time moroso, in view of the present pandemic. The petitioner is not involved in any other case.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

March 24, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No