

BINDIYA **VERSUS** **...PETITIONER**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Mr. Ranvir Singh Arya, Addl. AG, Haryana.

1. Custody certificate of the petitioner has been circulated today and the same is taken on record.

2. Bindiya-petitioner is seeking regular bail in the case bearing FIR No.169 dated 16.05.2022 under Sections 147/148/149/302/323/506 IPC,1860 and Section 25 of Arms Act, 1959 (Sections 54-59 of Arms Act and Section 34 IPC, 1860 added later on) registered at Police Station Narwana City, District Jind

3. Briefly, as per the allegations, on 16.05.2022, the petitioner along with her husband-Anil, co-accused, Sunil, Meenu and Savatri entered the barah of the deceased where the complainant and others were also present. They pelted stones and brick bats on the complainant and others. Anil, the co-accused brought a knife from his house and inflicted knife blow on the chest of Rinku-deceased which resulted in his death.

4. Learned counsel for the petitioner contends that the attribution to the petitioner is to the effect that she along with the co-accused had pelted stones and brick bats on the complainant and others. The similarly placed co-accused, namely, Sunil, Meenu and Savatri have found to be innocent during the course of investigation. As per the allegations, Anil had brought the knife and inflicted knife

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blow on the chest of the deceased. No specific injury on the person of the deceased has been attributed to the petitioner. She is in custody for a period of 11 months and 22 days and not involved in any other case. Out of 18, only 03 witnesses have been examined till date.

5. Learned State counsel has opposed the bail application on the score that the petitioner is being hauld up under Section 302 IPC with the aid of Section 34 IPC.

6. Be that as it may, the injury by means of knife on the person of the deceased has been attributed to the husband of the petitioner. Three of the co-accused who have been attributed substantially similar allegations as that against the petitioner have been found innocent during the course of investigation. The petitioner is in custody for a period of 11 months and 22 days and is not involved in any other case. Out of 18, only 03 witnesses have been examined till date. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

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

8. The petition is allowed accordingly.

09.05.2023

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(VIVEK PURI)
JUDGE

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