

2023:PHHC:100020

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

277

CRM-M-36427-2023

Date of decision : 03.08.2023

Kanta Devi

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Dheeraj Narula, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

PANKAJ JAIN, J. (Oral)

Prayer is for grant of regular bail to the petitioner in FIR No.140 dated 13.08.2021, registered for the offences punishable under Sections 323, 325, 341, 506, 307 and 302 read with Section 34 of IPC, 1860 at Police Station Ding, District Sirsa.

2. As per the allegations levelled in the FIR registered on the basis of a statement made by one Gulab s/o Balbir, it has been stated as under:-

“Stated that I am a resident of abovementioned address and I do the work of electrician. We are three brothers and two sisters. The eldest one is Nitu Bala and younger to her is Tarawati. I am younger to her. Kapil Dev is younger to me and Ajay is younger to him. Ajay is unmarried. My younger brother Kapil solemnized court marriage with Parvati d/o Shyam Lal r/o village Dudianwali, Tehsil Rania about one month

2023:PHHC:100020

back of my uncle namely Kashmir son's Vinod. That Parvati was already married. That my uncle Kashmir Chand and his son Vinod started nourishing grudge on this. On 11.08.2021 at around 8.15 PM, my brother Kapil was going on foot in the street to buy house hold items from the grocery shop. When my brother Kapil dev reached near the gate of house of my uncle Kashmir in the street then Vinod Kumar, Rakesh s/o Kashmir Chand were standing near the gate of their house in the street on X-CD motorcycle make Bajaj and the motor-cycle was start. When my brother Kapil Dev reached near their motor-cycle then Vinod Kumar was sitting on the front seat and Rakesh was sitting behind him. That Vinod Kumar while escalating the race of his motorcycle blocked the passage of my brother Kapil Dev by putting the bike ahead of him in the street. That my brother Kapil Dev asked Vinod Kumar the reason of bringing his motor-cycle ahead of him then Vinod Kumar started shouting loudly. In the meantime, the mother of Vinod Kumar namely Kanta Devi w/o Kashmir Chand came out side from the house after hearing the noise of Vinod Kumar and on reaching, caught the collar of my brother Kapil Dev and Rakesh while coming down from the motorcycle started giving feast and slaps blows to my brother Kapil Dev and at the same time, on hearing the noise my uncle Kashmir Chand came out from the house and started giving slap and feast blows to my brother Kapil Dev and I was standing outside the gate of my house and intervened in between them. My brother Kapil Dev got himself rescued and rushed towards the house then they all while chasing my brother Kapil Dev

2023:PHHC:100020

came after him near the gate of our house and my brother went inside the house. That on seeing Kapil Dev rushing, my father Balbir Singh s/o Shani Ram and my bua's son Happy and my Bua Kanta Rani came in front of our house in the street and started asking to me what happened and in the mean time, my uncle Kashmir and Rakesh and aunty Kanta Devi while catching hold of my father Balbir started giving feast and slaps blow to him and I have been intervening and Vinod Kumar all of a sudden went inside his house and brought an iron palta of sweet maker outside and gave its bow in the head of my father Balbir Singh and on hitting the same, my father Balbir Singh fell down and became unconscious and blood started oozing out of it and on seeing my father Balbir Singh unconscious, my uncle Kashmir Chand and his son Rakesh, Vinod Kumar, aunt Kanta Devi fled away from the spot towards the house alongwith Palta and while going issued threats that today you are saved and in future on finding opportunity, you will be killed. That due to the grievous injuries caused to my father Balbir Singh and unconsciousness, I arranged the vehicle and got admitted my father at Hope Neuro Care Center Sirsa for treatment where my father is undergoing treatment and Dr. Sahab conducted the operation of the head of my father who is still unconscious. That my uncle Kashir Chand s/o Shani Ram, Rakesh and Vinod Kumar s/o Kashmir Chand and aunt Kanta Devi w/o Kashmir Chand r/o Kotli gave feast and slaps to my brother Kapil Dev without any reason and while giving feast and slaps blows to my father Balbir and palta blow in the head, caused serious injuries. My brother Kapil Dev

2023:PHHC:100020

did not get issued any MLR. That strict action may be taken against Kashmir Chand, Rakesh, Vinod and Kanta Devi.”

3. Counsel for the petitioner submits that there is no role attributed to the petitioner apart from being present on the spot. The petitioner is behind bars since 29.11.2021 and has undergone custody of more than 01 year, 08 months and 04 days. Investigation already stands concluded and the material witness i.e. is the complainant already stands examined.

4. State counsel, however, submits that the trial Court in para 2 has referred to the specific role attributed to the petitioner as per which she caught the collar of Kapil Dev and the petitioner has been specifically named in the FIR. It being a case wherein a life was lost and keeping in view the gravity of the offence involved, petitioner does not deserve concession of bail.

5. I have heard counsel for the parties and have gone through the records of the case.

6. As per the allegations levelled in the FIR, it is Vinod Kumar, who gave blow on the head of Balbir Singh with iron palta. Apart therefrom that keeping in view the incarceration already suffered by the petitioner and the fact that the material witness i.e. the complainant already stands examined, this Court finds that the present petition deserves to be allowed. Petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

2023:PHHC:100020

7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

03.08.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No