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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43195-2022

Date of decision :30.01.2023

MADHURI

... Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Anant Modgil, Advocate
for the petitioner(s).

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.343 dated 30.09.2021 (Annexure P-1) registered under Sections 148, 149, 302 IPC at Police Station Asauda, District Jhajjar.

2. The brief facts of the case are that the statement of Ajay Kumar son of Sunder Lal was recorded to the effect that he was living in a room on rent in the ownership of Amit. One Shalender son of Gurbaksh was working with him (complainant) in the same company. Along with Shalender, Shubham son of Rajjan and Ankit son of Avinesh were staying on rent in an adjacent room. On 29.09.2021 at about 07.30 PM, 08.00 PM, when he came back to his room from the company, Shubham and Ankit had gone to the said company. Shalender was in his room alone. He came to him (complainant) and stated that Budhpal,

Shivpujan, Dharmender and Madhuri (petitioner) had beaten him up. Ankit son of Jagbir along with his family was staying in this house on rent. Ram Bahadur son of Phool Singh and Gautam son of Rajbir residents of Ankit's village were also staying in the same house and in separate rooms. Ankit's brother Budhpal and Budhpal's brother-in-law Dharmender were also staying on rent in the same colony. Budhpal, Shivpujan, Dharmender and Madhuri wife of Ankit were present in the room. Shalender and he (complainant) were sitting in his (complainant's) room and talking. Then Ankit, Ram Bahadur and Gautam came from outside and Budhpal, Shivpujan, Dharmender and Madhuri came from inside. Budhpal started hitting Shalender with kicks and punches and Ankit pulled Shalender down to the ground and sat on his chest. He gave punches with both hands on the chest of Shalender and Madhuri (petitioner) with a *belan* (rolling pin) in her hand hit Shalender. Ram Bahadur picked up a Tawa (griddle) from his (complainant's) room and hit Shalender with it. Thereafter, Ankit hit Shalender with a kick on his back and threw him on the mud in the street outside the room. Shivpujan sat on Shalender's chest and pressed his neck with both hands. Then Madhuri stated that Shalender should not be spared as he had misbehaved with her. Shalender became unconscious. When he (complainant) tried to free him all the accused manhandled him (complainant). Thereafter, Gautam took a bucket of water and put it on the person of Shalender. However, he had died by then. Thereafter, the accused ran away from the spot.

3. The learned counsel for the petitioner contends that the petitioner was in custody since 01.10.2021. She is a lady and her three year old child is in the jail premises with her. Since only 03 out of the 20 prosecution witnesses had been examined so far, the further incarceration of the petitioner was not required as the Trial of the present case was not likely to be concluded anytime soon.

4. On the other hand, the learned State counsel contends that the occurrence took place on account of the fact that the petitioner had been teased by the deceased because of which she along with her family members assaulted him (deceased). A *balen* (rolling pin) has been recovered from her possession. Therefore, she did not deserve the concession of bail. He, however, fairly concedes that the three year old child of the petitioner is in custody with the petitioner in the jail premises. He also admits that only 03 out of the 20 prosecution witnesses have been examined so far and therefore, the Trial of the present case is not likely to be concluded anytime soon.

5. I have heard the learned counsel for the parties.

6. The veracity of the allegations in the present FIR shall be adjudicated upon during the course of Trial. The petitioner who is a lady has been in custody since 01.10.2021. Only 03 out of the 20 prosecution witnesses have been examined so far. The infant child aged three years is residing with the petitioner in the jail premises. In such a situation, the petitioner can be granted the concession of regular bail.

7. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner-Madhuri wife of Ankit is

ordered to be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

30.01.2023
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No