

2024:PHHC:067355



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18607 of 2024(O&M)
Date of Decision: 14.05.2024

Kavita
...Petitioner
Versus
State of Haryana
...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Aditya Sanghi, Advocate
For the petitioner.
Mr. Vishal Kashyap, DAG Haryana.

KARAMJIT SINGH, J.

CRM-16303 of 2024

Application is allowed, as prayed for.

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1. The present petition has been filed by the petitioner seeking grant of regular bail in criminal case having FIR No. 289 dated 14.10.2023, registered under Sections 148, 149, 302, 323, 506 IPC at Police Station Loharu, District Bhiwani.
2. As per the allegations recorded in the FIR complainant Mahender got recorded his statement with the police to the effect that on 14.10.2023 at about 7:00 a.m. he along with Ram Kishan, Jamuna, Leela Ram was picking cotton from the land which had fell to their share in family partition. All of a sudden accused Vikas, Sumit, Ravinder, Chanderbhan, Ramesh and Chanderbhan's brother-in-law came there and attacked them. Chanderbhan gave a blow of iron pipe on the head of Ram Kishan. Vikas

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also attacked Mahender with iron pipe, Sumit gave blow of iron pipe on the arm of Jamuna mother of the complainant. Ram Kishan became unconscious at the spot. On hearing the noise persons working in neighbouring field came at the spot and then injured were taken to hospital and Ram Kishan died on account of the injuries sustained by him in the aforesaid incident. The complainant also stated to the police that aforesaid accused persons were accompanied by their 2-3 other relatives.

3. The counsel for the petitioner submits that petitioner is a lady aged about 30 years and was not named in the FIR and later on falsely implicated in the present case on the basis of disclosure statement of co-accused Vikas and supplementary statements of injured Jamuna and one Mela Ram and was arrested on 04.01.2024. The counsel for the petitioner further submits that in the FIR no specific action has been attributed to the present petitioner. That as per the disclosure statement, petitioner pushed aside Jamuna at the time of occurrence. That even as per the supplementary statement of injured Jamuna, at the time of occurrence petitioner gave her fist and slap blows. It is further submitted that during investigation no incriminating article was recovered at the instance of the petitioner and that after completion of investigation challan has been presented and even charges are framed and that it will take considerable time for the trial to conclude. The counsel for the petitioner further submits that in the given circumstances, no purpose is going to be served by detaining the petitioner in custody for any longer period.

4. The present petition is resisted by the State counsel, who on instructions from SI Virender Singh submits that petitioner was present at

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the spot and she gave slap and fist blows to injured Jamuna at the time of occurrence. However, the State counsel has not disputed the fact that no fatal injury or any other type of injury to the deceased is attributed to the present petitioner. The State counsel also apprised the Court that petitioner is in custody for the last more than 04 months and is having no criminal antecedents and during investigation no weapon or any other article was recovered from the petitioner and that police has presented challan against all the accused and even charges are framed but till date no prosecution witness is examined.

5. I have considered the submissions made by counsel for the parties.

6. Admittedly, the petitioner was not named in the FIR and was lateron nominated as accused and was arrested. The allegations against the petitioner are that at the time of occurrence she gave fist and slap blows to Jamuna mother of the complainant and the said injuries were found to be simple in nature and apparently it appears that petitioner was empty handed at the time of occurrence and has been charged under Section 302 IPC only with the aid of Section 149 IPC as no fatal injury or any other injury to the person of deceased is attributed to the petitioner. The exact complicity of the petitioner will be established during trial and it is going to take considerable time for final disposal of the trial. In the given circumstances, no useful purpose is going to be served by keeping the petitioner behind the bars for any indefinite period.

7. In light of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be

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released on bail subject to her furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

14.05.2024
Jiten

(KARAMJIT SINGH)
JUDGE

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