

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

224

CRM-M-25957-2024

Date of Decision : **August 22, 2024**

RAM MURTI @ GOLA

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Raman Chawla , Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

Mr. Rajesh Goyal, Advocate
for the complainant.

KULDEEP TIWARI, J. (Oral)

1. The petitioner, who is a lady of 84 years of age, has approached this Court through the instant petition filed under Section 439 Cr.P.C. with a prayer for the grant of regular bail in case FIR No.182 dated 20.10.2023, Under Sections 323, 324, 302, 34 IPC (later on added offences 506 IPC and Sections 25/54/59 of the Arms Act, during report u/s 173 Cr.P.C. on dated 21.12.2023), registered at Police Station Bapoli, District Panipat.

2. In the instant case, the prosecution agency was set into motion on a complaint made by one Vishal son of Suresh and on the basis of which the instant FIR has been registered. The relevant extract of the same reads as under:-

*“I, Vishal son of Suresh is permanent resident of
Khojkipur Kalan. I am studying in B.A. 2nd year, today on 20-10-*



23 at around 3.45 PM, I, my father Suresh and my mother Suman were working in front of the house, at that time Rajinder @ Bhinda, son of Surjamal, resident of Khojkipur Kalanand Nisha wife Joginder along with his mother Ramrati @ Gola wife of Surajmal came to our house and started abusing us. Rajindra has built a new house adjacent to our house. Ever since the house was being built, he used to keep quarreling with us and my uncle Pritam and now from many days he was releasing the pipe of his bathroom and latrine into the drain in front of our gate. Which we were refusing. Panchayats were held several times in our village regarding these small matters. In which decisions were taken in mutual brotherhood. Rajinder and my uncle Pritam had also filed a complaint in the police station. Rajinder had already said many times about destroying our family. Today we were working outside the gate and at that time Rajinder, Nisha and Gola came there and abused us and Rajinder took out a knife. Nisha and Gola caught hold of my father and said in a loud voice that don't leave them today. So, Rajinder, in front of me and my mother, stabbed my father with a knife due to which a lot of blood started flowing from his chest. When my mother and I came to rescue to my father, then Rajinder stabbed me with a knife on my hand and arm. Due to which I also got hurt, my father fell there due to injury sustained and became unconscious and on hearing the noise of the fight, people from my family came there. On seeing coming them, Rajinder ran away along-with his knife with him and Nisha and Gola also left from there and I dialled 112. My family took my father to Park Hospital Panipat. I and my mother reached Park Hospital by Dial 112 vehicle, where I came to know that my father had died on the way. These three together have killed my father. Legal action be taken against them.”

3. Learned counsel for the petitioner in the asking of the relief (supra) submits that there is no allegations against the present petitioner that she has caused injury either to the deceased, or complainant/injured-Vishal. He further submits that the petitioner is a lady of 84 years of age and has suffered incarceration of about more than 10 months as on today. He also



submits that in order to exaggerate the offence and being the mother of the main accused, Rajinder, she has been arrayed as an accused in the instant case. He in addition submits that the instant dispute occurred on a trivial issue, as the complainant as well as the accused persons are neighbour.

4. The learned State counsel assisted by the learned counsel for the complainant has vociferously opposed the grant of regular bail to the petitioner and while placing on record the custody certificate *qua* the petitioner submits that though the petitioner is an old lady, but she had actively participated in the crime involved, as she alongwith other co-accused Nisha, caught hold of the deceased, which facilitated the main accused Rajinder to cause injury to the victim. The learned State counsel on instructions imparted to him by the official concerned submits that the final report in the instant case has been filed way back on dated 22.12.2023 and thereupon, the learned trial Court concerned has framed charges against three persons i.e. Rammurti @ Gola (present petitioner), Nisha and Rajinder vide order dated 30.5.2024. He also informs this Court that out of total 24 cited prosecution witnesses in the final report, none has been examined so far.

5. After considering the rival submissions made by the learned counsel for the parties concerned, this Court is of the view that the instant petition deserves to be allowed for the reasons (i) that no injury is attributed to the present petitioner, either to the deceased, or to the injured (ii) and the petitioner is a lady of 84 years of age, (iii) she has suffered incarceration of about 10 months as on today and (iv) the trial is yet to begin and would take long time.



6. In view of the facts and circumstances recorded above, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.
7. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.
8. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

August 22, 2024
ajay-1

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No