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Savitri Devi Vs. State of Haryana

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Court : Punjab and Haryana

Decided On : Aug-13-2013

Appellant : Savitri Devi

Respondent : State of Haryana

Judgement :

IN THE HIGH COURT OF PUNJAB AND HARYANAAT CHANDIGARH Crl.Misc.

not M-21574 of 2013 (O&M) Date of Decision: August 13, 2013.

Savitri Devi .....PETITIONER(s) Versus State of Haryana .....RESPONDENT (s) CORAM:- HON'BLE MR.JUSTICE RAM CHAND GUPTA Present: Mr.Manot Tanwar, Advocate for the petitioner.

Mr.Raja Sharma, A.A.G.Haryana.

Mr.Tapan Yadav, Advocate for the complainant.

***** RAM CHAND GUPTA, J.(Oral) The present petition has been filed for anticipatory bail under Section 438 of Code of Criminal Procedure in FIR No.234 dated 28.06.2012 under Sections 498-A, 304-B read with Section 34 of Indian Penal Code, registered at Police Station Mahendergarh, District Mahendergarh.

I have heard learned counsel for the parties and have gone through the whole record including the impugned order passed by learned Additional Sessions

Judge, Narnaul dismissing anticipatory bail application Mehta Sachin filed on behalf of the petitioner.

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2. This Court while issuing notice of motion on 11.07.2013 passed the following order:- Contends that petitioner is sister of mother-in- law of the deceased and that she was married in another family having children and residing in the matrimonial home in some other gali though in the same village and hence having no concern with the matrimonial life of the deceased and her family.

It is further contended that there is only general allegation against petitioner that she also used to harass the deceased and, however, on investigation police came to the conclusion that she was not involved in this case and hence, she was not challaned.

Further submitted that however she has been summoned to face trial alongwith Co.accused by allowing the application of prosecution under Section 319 Cr.P.C.Further contends that she is ready to appear before learned trial Court and face trial.

Notice of motion to Advocate General, Haryana, for 13.8.2013.

However, in the meantime, petitioner is directed to appear before learned trial Court within two weeks from today and in case she so appears and applies for bail, learned trial Court is directed to admit her to interim bail subject to any conditions that may deem to be imposed by it.

It has been contended by learned counsel for the petitioner that she has already appeared before learned trial Court and facing trial pursuant to said order dated 11.07.2013.

This factual position has not been disputed by learned counsel for the respondent-State.

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3. However, bail application has been opposed by learned counsel for the complainant on the plea that there are specific allegations against the petitioner-accused.

There are no allegations on behalf of the State that petitioner is likely to abscond or that she is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Hence, in view of these facts and without expressing any opinion on the merits of the case, the anticipatory bail application filed on behalf of petitioner-accused Savitri Devi is accepted and order dated 11.07.2013 granting interim bail in favour of the petitioner is, hereby, made absolute subject to compliance of any conditions that may deem to be imposed by learned trial Court.

The present petition stands disposed of accordingly.

(RAM CHAND GUPTA) August 13, 2013.

JUDGE Sachin M.

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