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Vidya Devi Vs. State of Haryana

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Court : Punjab and Haryana

Decided On : Mar-20-2013

Appellant : Vidya Devi

Respondent : State of Haryana

Judgement :

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH Crl.

Misc.

not M-2541 of 2013(O&M) Date of Decision:

20. 03.2013 Vidya Devi ..Petitioner versus State of Haryana ..Respondent CORAM:HON'BLE Mr.JUSTICE VIJENDER SINGH MALIK Present:- Mr.S.K.Verma, Advocate for the petitioner.

Mr.Sagar Deswal, AAG Haryana.

--- VIJENDER SINGH MALIK,J(ORAL) Vidya Devi, the petitioner seeks pre-arrest bail in a case registered by way of FIR No.732 dated 27.8.2012 at Police Station City Hisar, District Hisar, for an offence punishable under sections 148, 302, 307, 323, 324 and 506 IPC read with section 149 IPC.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR.

According to him, subsequently Anita, an injured witness of this case, named her as having given blow to her with a danda.

According to him, Anita was not in receipt of any injury which could be caused by a danda.

According to him, the petitioner has already joined the investigation and her custodial interrogation is not required.

Learned State counsel, on instructions from SI Suraj Mal, admits that the petitioner has joined joined the investigation Crl.

Misc.

not M-2541 of 2013 =2= and her custodial interrogation is not required.

According to him, danda has already been recovered, though, from one Rakesh.

The fiRs.important aspect of the case is absence of the name of the petitioner in the FIR.

If she would have been there at the spot, she would have been noticed and her name would have appeared in the FIR.

If she had caused injury to Anita then statement of Anita is also important and Anita says that she caused an injury to her.

Anita is said to be in receipt of one incised wound which cannot correspond to the injury caused by a danda.

The danda already stands recovered.

The petitioner has joined the investigation and her custodial interrogation is not required as stated by learned State counsel.

In view of these circumstances, without commenting on the merits of the case, I find the petitioner to be entitled to pre- arrest bail.

Consequently, the petition is allowed and order dated 06.02.2013 granting interim anticipatory bail to the petitioner is made absolute.

March 20,2013 (VIJENDER SINGH MALIK) Jiten JUDGE

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