

Bala @ Maya Devi Vs. State of Haryana

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Court : Punjab and Haryana

Decided On : Aug-06-2014

Appellant : Bala @ Maya Devi

Respondent : State of Haryana

Judgement :

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH CRM M-13065 of 2014 Date of Decision : August 06, 2014 Bala @ Maya DeviPetitioner
VERSUS State of HaryanaRespondent CORAM: HON'BLE Mr.JUSTICE
T.P.S.MANN Present : Mr.A.P.S.Deol, Senior Advocate with Mr.Vishal Rattan,
Advocate Mr.Raja Sharma, Asstt.

A.G., Haryana T.P.S.MANN, J.

(Oral) Alongwith the present petition filed by Smt.

Bala @ Maya Devi, the Court intends to dispose of CRM M-24293 of 2014 filed by Dharmender as in both the petitions prayer has been made for release of the petitioners therein on bail during the pendency of the trial of the case.

The occurrence in question had taken place on 3.12.2013 at about 5.10 p.m.In the occurrence, Sharfudin, Razak and Partap had fired at Khajan Singh son of the complainant, who had later on died while being rushed to the hospital.

It is not in dispute that complainant-Mohinder Singh, his wife Smt.

Santra and neighbours Jagat Singh, Ram Pal, Ram Singh, Kartar Singh, Sunder and Dharmender have already appeared before the trial Court as PWs1, 8 and 2 to 7, respectively but none of them supported the case of the prosecution.

They were even CRM M-13065 of 2014 -2- cross-examined by the Public Prosecutor but no material could be brought on record which could establish the complicity of the two petitioners in the commission of the crime Learned State counsel has, however, submitted that the bullet recovered from the dead body of Khajan Singh has already been sent to the Laboratory and so also the weapons recovered from petitioner-Dharmender, Sandeep and Pardeep and the report of the Forensic Science Laboratory is still awaited.

The petitioners are in custody since 5.12.2013.

The star witnesses of the prosecution have not supported its case.

Even if the bullet recovered from the dead body of Khajan Singh matches with the weapons recovered from the three accused that would not be sufficient to show their involvement in the commission of crime.

Without commenting on the merits, lest it may prejudice the case of either party, this Court is of the considered view that the petitioners deserve the concession of bail.

Resultantly, CRM Nos.M-13065 of 2014 and M-24293 of 2014 are allowed.

Bail to the petitioners to the satisfaction of Chief Judicial Magistrate, Mewat at Nuh.

(T.P.S.MANN) August 06, 2014 JUDGE ajay-1 AJAY KUMAR201408.07 15:54 I attest to the accuracy and integrity of this document Chandigarh

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