
(2012) 01 SHI CK 0184
In the High Court Of Himachal Pradesh
Case No : Criminal M.P. (M) No. 12 of 2012.

Asha Rani

APPELLANT

Vs

State of H.P.

RESPONDENT

Date of Decision : 17-01-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 154, 439
Penal Code, 1860 (IPC) — Section 302, 34

Citation : (2012) 01 SHI CK 0184

Hon'ble Judges : Kuldeep Singh, J

Bench : Single Bench

Judgement

Kuldeep Singh, Judge

1. This is an application, u/s 439 Cr.P.C. for releasing the petitioner on bail in FIR No. 22/2011 dated 25.3.2011 under sections 302, 34 IPC registered at Police Station, Bharari, District Bilaspur, H.P.
2. The application has been casually drafted. The application has been filed by Asha Rani wife of Krishan Chand, but at several places in the application reference has been made like Rs. wife of the petitioner? meaning thereby that petition has been filed by husband on behalf of wife. This apart what emerges from the application is that petitioner is innocent, she has been falsely implicated in the case. There are two accused, namely Jai Devi and Asha Rani. Jai Devi has been released on bail. It has been stated that deceased Sukh Ram died of old age and not for the reasons attributed to the petitioner. It has been stated that petitioner had earlier filed some bail applications, which have been rejected or withdrawn. The further detention of the petitioner is not necessary. The three children of the petitioner are studying and they require the services of the petitioner as there is no one in the family to look after the children of the petitioner. The prayer has been made for releasing the petitioner on bail.
3. The bail application has been opposed on the basis of status report. In the status report, it has been stated that case has been registered on the statement

of Kiran Sharma, u/s 154 Cr.P.C. It has been alleged that Sukh Ram died as a result of hit of brick thrown by the petitioner at him. The petitioner and Jai Devi were arrested on 26.3.2011 under sections 302, 34 IPC. It has come in the investigation that ribs 6 to 10 of the petitioner were got fractured. It has come in investigation that on 25.3.2011 Jai Devi and Asha Rani quarreled with Sukh Ram and Asha Rani hit Sukh Ram with brick.

4. It has been stated that till now some PWs have been examined and next date of hearing in the case before the trial court has been fixed on 27.1.2012 for PWs. The bail application of the petitioner was earlier rejected by Addl. Sessions Judge, Ghumarwin on 16.5.2011, the petitioner filed Cr.MP(M) No. 405/2011 in this court, which was withdrawn on 13.6.2011, the petitioner filed another bail application, which was dismissed by the learned Addl. Sessions Judge, Ghumarwin on 31.8.2011, thereafter the petitioner filed another bail application, which was dismissed by Addl. Sessions Judge (FTC), Ghumarwin on 31.12.2011.

5. In the order dated 31.12.2011 the learned Addl. Sessions Judge has noticed that till then six witnesses have already been examined out of 27 prosecution witnesses and material witnesses are yet to be examined. The statements of six witnesses recorded till now have not been placed on record. Therefore, it is not possible to say anything about the statements of witnesses recorded till now. This apart, several bail applications of the petitioner have already been dismissed and there is no change of circumstance, more particularly, when the statements of witnesses recorded till now have not been placed on record. The petitioner has failed to make out a case for grant of bail. Accordingly, the bail application is dismissed.

6. Any observation made hereinabove shall not be construed as an expression of opinion over the merits of the case. The application stands disposed of.