

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-52106-2022 (O&M)
Date of Decision:- 27.02.2023

Aman Devi

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ajay Kumar Dahiya, Advocate, for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana,
assisted by ASI Baldev Raj.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against her vide FIR No.50 dated 16.03.2021, registered at Police Station Shahzadpur, District Ambala, under Sections 201, 302, 120-B, 34 of IPC, 1860 and Section 3 of SC/ST Act, 1989 (added later on).
2. The FIR in question was lodged at the instance of Ashok Kumar, wherein it is alleged that his son Anil Kumar went missing on 14.03.2021 and later his dead body was found in forest on 16.03.2021. The complainant alleged that about two years back, members of the family of Sajjan Singh had given beatings to his son Anil Kumar and now they had come to know that Anil Kumar was chatting with Aman Devi on WhatsApp, who is also related to Sajjan

Singh and others. The complainant thus suspected that his son had been murdered by son of Pale, Rinku, Manish Kumar, Shanky, Gaurav and Chandu.

3. It is the case of prosecution that during the course of interrogation, petitioner Aman Devi was arrested on 18.3.2021 and who suffered a disclosure statement admitting that deceased had been killed by co-accused in connivance with her.
4. Learned counsel for the petitioner has submitted that she has falsely been implicated in the present case and that there is no evidence worth credence to show that the petitioner had participated in the commission of murder of the deceased.
5. Opposing the petition, learned State counsel has submitted that in the present case, petitioner-Aman Devi, in her disclosure statement had admitted her guilt of having conspired and connived with co-accused for the purpose of commission of murder of Anil Kumar and that as such, her complicity is clearly evident. Learned State counsel has informed that the petitioner has been behind bars since the last about 1 year and 11 months and that 4 out of cited 24 PWs have been examined and that the complainant is yet to be examined. It is further been informed that the mobile phone of the petitioner had been recovered and that upon examination of the same, it is evident that the petitioner had been in touch with co-accused as well as the deceased. It has however, been informed that the petitioner otherwise is not involved in any other case.
6. This Court has considered rival submissions.

7. Admittedly, it is a case based totally on circumstantial evidence. The evidence against the petitioner is mainly in the shape of her own disclosure statement which is annexed as Annexure P-2. Since the said disclosure statement discloses the entire case of the prosecution and the case of the prosecution is mainly based upon the same, it is apposite to refer to the same in detail. The said disclosure statement dated 18.03.2021 (Annexure P-2) is as follows:

“In the presence of following witnesses arrested accused Aman Devi in police custody without any fear depose that I am resident of above mentioned address and she has studied till 12th Class. We are two sisters and one brother. That in the year 2015 my cousin sister namely Soniya d/o Karamchand use to study in Government School of village Dhanana and in this school Anil Kumar s/o Ashok Kumar caste ramdasiya resident of Dhanan also use to study along with us. That Ashok Kumar became friend of my cousin sister during that time while studying together. We have studied in this school till 10th class. In the year 2016 I and my sister Soniya start studying in MDR School at Dhanana. In MDR School at Dhanana in my class Himanshu s/o Sanjeev Kumar resident caste Brahmin of village Patvi District Ambala also use to study and with who I became friend in the year 2016. Anil Kumar generally use to meet my cousin sister Soniya. That around two years before when Anil Kumar came near the house of Soniya to meet her than her family member gave him beatings and for which a family settlement has also been taken place between two parties. After that on 15 February 2020 Soniya family members married her. After the marriage of Sonia, Anil Kumar became alone and due to some reason I had rift with Hmanshu and after that Anil Kumar took my phone number through Sonia and Anil Kumar stated having talks with me and made me emotional. That in October 2020 Anil Kumar requested me

to meet. On his say I went along with him to hostel Welcome Resort, Shehzadpur where he clicked many of my photos and kept in his mobile. And because of these photos Anil Kumar started black mailing me. From this I have become annoyed. And during this we I and Himanshu again started meeting each other. I want to get rid of Anil Kumar and want keep friendship with Himanshu because I use to love Himanshu very much. Now Anil Kumar stated bothering me much by these photos than I told this all to Himanshu. Himanshu tried much to make Anil Kumar understand but Anil Kumar did not came out of his deeds. Than Himanshu told me that you don't worry we both together will make him away in between of our way. I and Himanshu made a plan to call Anil Kumar someday and we eliminate him in between of our way. I have a mobile phone which is having two sims no.9671701366, 9053188917. From these numbers only I use to talk to Anil Kumar Mob. No. 8295496465 and to Himanshu Mob. No. 8199924798, 8708218308 through whats app and normal messages and also do whats app calling. On dated 14.3.2021 at around 11.30 A.M I received a text message from Anil Kumar from his mobile number over my mobile phone and he told me that he wanted to meet me. I said yes to Anil Kumar and share this message with Himanshu about coming of Anil Kumar because I became fed off Anil Kumar and I told Himanshu that today Anil Kumar is coming to meet me and we have an opportunity to teach him. I and Himanshu kept on talking whole day with text messages and chatting and kept on acknowledging Himanshu about all developments. I kept on sending screen shots of all message those got received from Anil Kumar to Himanshu. on Anil Kumar on that night at about 12/12:30 A.M came near to my home to meet me. Himanshu was already standing there on his motorcycle as per our plan along with his two unknown friends. Himanshu can tell regarding boys who had accompanied Himanshu. As per the time given by me Anil Kumar came near to my home and Himanshu caught hold Anil Kumar on his motor cycle

only and other boy stat ridding that motor cycle and Himanshu sat behind Anil Kumar caught holding him. Another boy ride Himanshu's motor cycle and followed them and I went to my home. After some time I got received Anil Kumar message that they have killed Anil Kumar.....”

8. A perusal of the aforesaid statement indeed shows that the petitioner had admitted her connivance. However, even as per the said statement, it is not the petitioner who has herself physically participated in the murder of the deceased and she is not alleged to have inflicted any injury. The petitioner otherwise has been behind bars for a substantial period of 1 year and 11 months. Conclusion of trial is likely to consume time inasmuch as only 4 out of cited 24 PWs have been examined. Having regard to the aforestated facts and circumstances and while bearing in mind that the petitioner is a lady and had herself not inflicted any injury to the deceased and she is not even stated to be present at the time of occurrence, the petition is accepted and the petitioner is ordered to be released on bail subject to her furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

27.02.2023
mohan/kanika

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No