

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Cr.M.No.M-12421 of 2015 (O&M)
DATE OF DECISION : 26.5.2015

Neelam

PETITIONER

VERSUS

State of Haryana

RESPONDENT

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1. Whether reporters of Local Newspapers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present:- Shri Vivek Khatri, Advocate for the petitioner.

Shri P.S.Chauhan, Additional A.G. Haryana.

MAHESH GROVER, J.

This is a petition filed under section 439 Cr.P.C. with a prayer for release of the petitioner on bail in a case registered vide F.I.R. No.224 dated 11.5.2013 under Sections 302/34 I.P.C. at Police Station Narnaund, District Hissar.

As per the F.I.R. which was lodged by father of the deceased, the petitioner was having illicit relations with Sunny alias Sonu(since deceased).

Suresh son of Mahabir, Satish son of Bhartha and Manoj alias Baba son of Bhartha

had threatened the complainant to rein in his son or he would be killed for having illicit relations with their daughter-in-law, i.e. the present petitioner. Before the fateful day on 10.5.2013 at about 8/9 p.m., Suresh son of Mahabir, Satish son of Bhartha and Manoj son of Bhartha came to the house of the complainant and took away his son Sunny with them. The complainant went to sleep after dinner but when he woke up in the morning and while coming for a walk, he saw his son lying dead in front of the house of Manoj with injury marks on his head and hands. He went to the house of Manoj where Neelam, Manoj, Satish and Suresh were present and when questioned about the death of his son, they responded by saying that they had warned about it.

Learned counsel for the petitioner contends that the petitioner is in custody since 16.5.2013 and despite the fact that two years have elapsed, charge has not been framed by the learned trial Court indicating a prolonged trial. It is further contended that the whole prosecution story seems improbable as the petitioner would have no motive to kill a person with whom she was having illicit relations. Rather, it could have been her husband and her in-laws who could have had a grievance against the deceased. It is contended that the other accused who are named in the F.I.R., have been let off by the police and it is only the petitioner who has been implicated for the death of the deceased who died on account of electrocution and injuries on his person.

Learned counsel for the State, on the other hand, contends that it is not disputed that charge has not been framed, but contends that petitioner is involved in a serious offence.

On due consideration of the matter and noticing that the petitioner is in custody for the last two years and the trial has not progressed so far and also noticing the fact that trial is likely to take some time, I deem it appropriate to accept the present petition and direct that the petitioner be enlarged on bail in

terms of Section 439 Cr.P.C. to the satisfaction of the trial Court.

Nothing stated hereinabove shall be construed to be an expression of opinion on the merits of the case.

May 26, 2015
GD

(MAHESH GROVER)
JUDGE