

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**Criminal Misc.No.M-36427 of 2014  
Date of Decision: February 23, 2015**

Sheela

...Petitioner

Versus

The State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI**

Present: Mr.Gorakh Nath, Advocate,  
for the petitioner.

Mr.Kapil Aggarwal, Addl.AG, Haryana.

**Naresh Kumar Sanghi, J.**(Oral)

Prayer in this petition is for grant of regular bail to the petitioner, Smt.Sheela, who has been booked for having committed the offences punishable under Sections 109,114, 120-B, 201, 302, 346 and 364, IPC, in a case arising out of FIR No.57, dated 22.03.2014, registered at Police Station, Bond Kalan, District Bhiwani.

Learned counsel contends that there is not an iota of legal evidence to connect the petitioner with the murder of Rakesh (since deceased). To elaborate his submissions, he submits that the dead body of Rakesh has not been recovered and as such, there is no material to say that he has died, what to talk of his murder; perusal of the charge-sheet (report under Section 173,

Cr.P.C.) shows that the prosecution is unable to collect evidence to prove the complicity of the petitioner with Smt.Mukesh, Smt Phool Pati and the persons who allegedly caused the death of Rakesh. It was also pointed out that the petitioner, who is a woman, is behind the bars for the last approximately 11 months and after completion of the investigation, the charge-sheet (report under Section 173, Cr.P.C.) has already been presented before the court below.

On the other hand, learned counsel for the State, on instructions from Inspector Prem Singh, Police Station, Bond Kalan, District Bhiwani, very fairly concedes that except the disclosure statements of accused Amarjit Singh and that of petitioner herself, there is no other evidence to connect the petitioner with the alleged murder of Rakesh. He, however, submits that during the course of investigation, the call details of the mobile phone belonging to the petitioner and those of Smt.Mukesh and Smt.Phool Pati were taken into possession which clearly spell out that they were in contact with each other on the mobile phones on 18.3.2014, the day on which Rakesh (since deceased) disappeared.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

As per prosecution version, Smt.Mukesh had a dispute

with his husband, Rakesh (since deceased). Smt.Mukesh and Smt.Phool Pati wanted to take revenge from Rakesh and as such, they contacted the petitioner and disclosed their intentions to eliminate Rakesh. The petitioner disclosed that Sonu @ Vinod, Sombir and Amarjit could commit the murder of Rakesh and as such, Smt.Mukesh and Smt.Phool Pati came in contact with the above said three persons. Sonu etc. supplied tablets containing poisonous substance which were administered to Rakesh by Smt.Mukesh and after consuming the same, he became unconscious. Smt.Mukesh called Sonu etc. and they took off the corpus of Rakesh to an unknown place.

Learned counsel for the State was specifically asked to bring into the notice of this Court the material to show Sheela had conversation with Smt Mukesh and Smt Phool Pati with regard to the facts propounded by the prosecution then he fairly admitted that except the disclosure statement of the petitioner and that of Amarjit, there is no other evidence in that regard. He further fairly concedes that the corpus of Rakesh has not been recovered and as such, there is no question of medical evidence with regard of his death. The complicity of the petitioner with her co-accused as well as the admissibility of the disclosure statement suffered by the petitioner and her co-accused Amarjit in committing the murder of Rakesh (since deceased) would be a moot point during the course of trial. The petitioner is behind the bars for the last

about 11 months and after completion of the investigation, the charge-sheet (report under Section 173, Cr.P.C.) has already been presented.

Keeping in view the totality of the facts and circumstances of the case, the present petition is allowed. Petitioner, Smt.Sheela, w/o Dharambir, r/o village Bhagwatipur, District Rohtak, Haryana, is ordered to be released on bail during the pendency of the trial of the present case subject to her furnishing bail bonds in the sum of Rs.75,000/- with two sureties in the like amount to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate, Bhiwani.

**February 23, 2015**  
seema

**(Naresh Kumar Sanghi)**  
**Judge**