

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No. 38791 of 2015

Date of decision:-26.11.2015

Sushila

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No

2. To be referred to the Reporters or not? Yes/No

3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Anil Malik, Advocate, for
Mr. Sunil Kumar Bhoria, Advocate,
for the petitioner.

Mr. B.S Virk, DAG, Haryana
for the respondent-State.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No. 370 dated 18.07.2015 registered under Sections 306 read with Section 309/34 IPC at Police Station, Sadar Sonapat.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. The FIR was registered on the basis of statement of deceased, Pardeep Kumar i.e. husband of the petitioner recorded before his death in the presence of the Doctor, wherein it has been mentioned that he does not want to take any legal action against anybody. While recording his statement, he was in his full senses.. There was no dispute between the petitioner and the deceased, except suspicion. No specific role has been attributed to the petitioner. There is no allegation of abettment as petitioner herself attempted to commit suicide on the same day. The petitioner is having two minor children,

who are in the age group of 5 and 2 ½ years and there is no other family member to look after the interest of the minor children. The petitioner herself is a young woman of 25 years of age and she is behind bars since 22.07.2015. He further submits that co-accused of the petitioner have been released on anticipatory bail by the learned Sessions Judge. The challan has been presented and charges have also been framed. There is no independent/private witness and there is no possibility that the petitioner may influence any of the official witness. The trial will take long time to conclude. Nothing is to be recovered from the petitioner as the statement is already the part of the challan.

Learned State Counsel has not disputed the custody period as well as the statement of deceased recorded in the presence of the Doctor but opposes grant of bail to the petitioner.

In view of submissions made by learned counsel for the petitioner and after going through the statement of the deceased, wherein it has been mentioned that he does not want to take any legal action against any person; there is no allegation in the statement that petitioner abetted the deceased to commit suicide; two minor children are there who are in the age group of 5 and 2 ½ years and there is no other person to look after the interest of the children; after framing of the charges, even a single witness has not been examined so far; the petitioner is in custody since 22.07.2015; the trial may take some time in final conclusion and no purpose would be served by keeping her in custody, the petition is allowed. The petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

However, it is made clear that any expression made hereinabove shall not be taken as an expression of opinion on the merits of the case.

26.11.2015

PA

**(DAYA CHAUDHARY)
JUDGE**