

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

CRM-M-15047 of 2016 (O&M)

Date of decision : 01.08.2016

Azad

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana
assisted by ASI Prem Parkash

JITENDRA CHAUHAN, J. (Oral)

The present petition filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.346 dated 10.11.2015, registered under Sections 302 and 506 of the Indian Penal Code (for short 'the IPC') read with Section 34 IPC (challan presented under Section 306 and 506 IPC), at Police Station Ballabgarh, District Faridabad.

The learned counsel for the petitioner states that the petitioner has been falsely implicated in the present case. He refers to post mortem report dated 29.06.2015 and contends that there was no external injury seen over the body of the deceased. The petitioner is in custody since 17.11.2015.

On the other hand, the learned State counsel submits that there are specific allegations against the petitioner. He states that out of 13

prosecution witnesses, 4 have been examined so far.

Heard.

Initially, the FIR was lodged under Sections 302 and 506 IPC read with Section 34 IPC, thereafter, during investigation Section 306 IPC was added later on. The post mortem report reads as under:-

“In the opinion of the Board the cause of death in this case is Asphyxia due to hanging which is antemortem in nature and sufficient to cause death in ordinary course of nature.”

Keeping in view the aforesaid report; there is no external injury on the body of the deceased; the petitioner is in custody since 17.11.2015; and out of 13 prosecution witnesses, 9 are yet to be examined, no useful purpose would be achieved in keeping the petitioner behind the bars.

In view of above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on her furnishing bail bonds/surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

01.08.2016

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No