

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

CRM-M-28955 of 2016.

Decided on:-15.11.2016.

Santosh.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Ms. Diepa Singh, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J.

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.545 dated 01.09.2015 under Section 302 read with Section 34 IPC registered at Police Station Samalkha, District Panipat.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the case to harass and humiliate her. No case is made out against her. She is a complainant in the case, but still has been arrayed as an accused on the basis of some extra-judicial confession made by her before Anju, who has appeared in the trial Court as PW1. However, said Anju had not supported case of the prosecution and was declared hostile. Thus, the very extra-judicial confession, if any, cannot be read

against the petitioner.

On the other hand, learned State counsel has argued that the petitioner is an accused along with Pardeep son of Mangat. She is an accused in the murder of her daughter Pooja, aged about 13 years. The petitioner and her co-accused Pardeep have committed murder of Pooja in furtherance of their common intention and concealed the dead body of Pooja by throwing it in the bushes near Mayur Vihar Colony and, thereafter, knowingly gave wrong information to the police. The petitioner was in illicit relations with co-accused Pardeep and when her daughter Pooja had seen her in compromising position with Pardeep, she was murdered by both the accused and her dead body was thrown in the bushes.

Learned State counsel has further contended that the prosecution had moved an application under Section 173 (8) Cr.PC on 29.4.2016 seeking permission to conduct further investigation in the case as at the time of post-mortem examination of the deceased, her vaginal swab and clothes were taken into possession. The same were sent to the Forensic Science Laboratory (FSL), Madhuban for analysis. On perusal of the FSL report, it revealed that human semen was detected on the private parts and clothes of the deceased. On the basis of FSL report, the Court had allowed the application under Section 173(8) Cr.PC and the prosecution was directed to submit supplementary report in the case.

I have heard learned counsel for the parties.

Perusal of the record reveals that by virtue of order dated 5.7.2016 passed by learned Additional Sessions Judge, Panipat, the prosecution was directed to submit supplementary report under Section 173 Cr.PC. It is on the basis of said supplementary report, the petitioner, who was earlier a complainant in the case, has been arrayed as an accused. The allegations against the petitioner are serious in nature as the police had found the complainant as an accused for the murder of her daughter.

In view of the above, this Court does not find any merit in the present petition and the same is, accordingly, dismissed.

November 15, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No