

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

**CRM-M No.38641 of 2015 (O&M)
Date of Decision: 16.05.2016**

Laxmi Devi

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Jainainder Singh, Advocate for the petitioner.

Mr. Gaurav Dhir, Deputy Advocate General, Haryana
for the respondent/State assisted by S.I. Rajbir Singh.

Mr. Chand Ram Olla, Advocate for the complainant.

JASWANT SINGH, J. (Oral)

The prayer is for grant of regular bail under Section 439 Cr.P.C. to the petitioner/accused-Laxmi Devi in case FIR No. 567 dated 16.06.2014, under Sections 302/34 of the Indian Penal Code, registered with Police Station Sadar Hisar, District Hisar.

The dead body of Kapoor Singh was found in the house of the petitioner/accused wife and her co-accused husband Raj Kumar on 16.06.2014 in the afternoon at around 3:30 PM. The cause of death was by strangulation.

The motive attributed is that the deceased-Kapoor Singh had illicit relations with the petitioner/accused-Luxmi Devi for the last 10-12 years and upon the husband having walked in the room, she joined her husband in causing the death of deceased-Kapoor Singh. The case of the prosecution is based on the circumstantial evidence.

It is contended that the petitioner/accused is alleged to have a relation with the deceased since 10-12 years and it is highly improbable that she would join her husband in killing her paramour. Be that as it may, it is contended that the petitioner is in custody since 18.06.2014 and after framing of the charges on 12.11.2014, only 03 out of 14 cited prosecution witnesses have since been examined. The petitioner and her husband both are in custody, leaving behind five minor children including three daughters at home.

Learned State Counsel, assisted by S.I. Rajbir Singh, does not dispute the factual aspect regarding the custody, role attributed, the existence of five minor children and stage of the trial.

Without commenting on the merits of the case, keeping in view the custody period, interest of the minor children and the fact that trial is not likely to be concluded in near future, this Court finds that petitioner/accused deserves the concession of regular bail and as such she is ordered to be released on regular bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

May 16, 2016
Gagan

(JASWANT SINGH)
JUDGE