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

**CRM-M No.179 of 2018**

**Date of Decision: 23.02.2018**

**SUNITA**

**.....Petitioner**

**Vs**

**STATE OF HARYANA**

**.....Respondent**

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. Rahul Sharma, Advocate  
for the petitioner.

Mr. Satish Saini, D.A.G., Haryana.

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**RAJ MOHAN SINGH, J.(Oral)**

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.145 dated 29.06.2016, registered under Sections 302, 201, 297, 328 and 120-B IPC at Police Station Bawani Khera, Bhiwani.

Petitioner is the mother of deceased Puja, whose dead body was allegedly cremated in the pyre of one Naresh. The allegations were made that Puja stayed with one boy at Kalanaur for 7-8 days. On coming to know, the family members of Puja took her back to the village and thereafter she was not allowed to leave the house and was kept in close observation. Further allegations were made that Puja was murdered and her body was cremated in the pyre of Naresh son of Bhana Ram,

who was also belonging to the family of the accused.

As per confessional statement of accused Mahender Singh, the petitioner gave an amount of Rs.200/- to him for purchasing monospray bottle. After giving the amount, the petitioner went out of the room. Thereafter Mahender Singh, Pankaj and Ashish entered into the room of Puja and after grabbing her, she was forcibly administered poison.

Learned counsel for the petitioner submitted that the aforesaid confessional statement of Mahender Singh was recorded on 30.06.2016, but petitioner was not made accused in the case. Challan was filed against five accused persons and they were convicted on 19.05.2017 by the Addl. Sessions Judge (Exclusive Court), Bhiwani. Husband of the petitioner was found innocent. Petitioner was arrested on 15.08.2017 only after the conviction of Rakesh Kumar, Anil Kumar, Mahender, Kamal Singh and Shamsher Singh. While convicting the aforesaid persons, the trial Court recorded that there was no post mortem examination of deceased Puja. Cause of death was not known. In the FSL report, no evidence of poison could be detected, nor the accused were convicted for the offence under Section 328 IPC. Petitioner was never declared as proclaimed offender, nor she was sought to be arrested during pendency of investigation and trial of accused, who have been convicted.

Learned counsel further submitted that the petitioner is in custody since 15.08.2017. Out of total 25 prosecution witnesses, 11 witnesses have been examined. Trial may take some time in its culmination.

The aforesaid statement of facts could not be controverted by learned State counsel on instructions from ASI Prem Kumar, however he opposed the bail on the ground that the petitioner being mother of the deceased was also responsible in view of confessional statement of Mahender Singh.

At this stage, without adverting to the merits of the case, I deem it appropriate to grant concession of regular bail to the petitioner.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

February 23, 2018

*Atik*

Whether speaking/reasoned  
Whether reportable

**(RAJ MOHAN SINGH)**  
**JUDGE**

Yes/No  
Yes/No