

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-26654-2018

Date of decision: 02.07.2018

Shakuntala and Anr

.. Petitioners

Vs.

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr.Sushil Sehoran, Advocate, for the petitioners.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No. 494 dated 13.12.2017 under Section 302/34 IPC registered at Police Station Tosham, District Bhiwani.

Counsel for the petitioners submits that both the petitioners are house wives. It is further submitted that as per the allegations in the FIR, Janki Devi, who is mother-in-law of the petitioners, had died on account of receiving burn injuries at the hands of the petitioners.

Counsel furthers submits that the FIR was registered at the instance of Rajpati, daughter of deceased-Janki Devi and during course of trial, the said Rajpati appeared as PW4 and has not supported the prosecution version and has rather stated that she is satisfied that both the petitioners are innocent and are not responsible for the incidence, resulting into death of her mother in any manner. To the similar effect, statements of three other daughters of deceased-Janki Devi i.e. PW5-Sushila, PW6-Saroj and PW7-Raj Kaur were made and they have not raised any suspicion towards the petitioners.

Counsel for the petitioners has submitted that there is bleak possibility of conviction of the petitioners in view of the fact that all the prosecution witnesses have been declared hostile and have not supported the case.

Learned State counsel, on instructions from ASI Pardeep Kumar, however, has submitted that statement under Section 313 Cr.P.C. has been recorded and the case is now at the final stage.

In reply, learned counsel for the petitioners submits that in fact, the prosecution has moved an application under Section 311 Cr.P.C. for leading additional evidence to produce on record report of FSL which has not been received so far and, therefore, the case has been adjourned.

Counsel for the petitioners further submits that the petitioners are in judicial custody since 22.12.2017 and no useful purpose would be served by keeping them behind the bars, even if report of FSL is submitted and it will take sometime as it has not been received by the Investigating Officer till date.

Without commenting anything upon the merits of the case, considering the fact that all the daughters of the deceased Janki Devi including complainant Rajpati have not supported the prosecution version and in view of the fact that conclusion of the trial will take time as FSL report is still awaited, the petitioners are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

[ARVIND SINGH SANGWAN]
JUDGE

02.07.2018.
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No