

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.209

CRM-M-33683-2018

Date of decision : 18.09.2018

Pooja

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Bimal Maini, Advocate, for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.62 dated 17.03.2018, registered at Police Station Chandimandir, District Panchkula, under Sections 302, 34 and 120-B IPC.

As per the allegations in the FIR, the dead body of a young boy was discovered in the shrubs and on being called the complainant identified the body to be that of his brother-in-law.

Learned counsel for the petitioner submits that the petitioner has been named as an accused in this case on the basis of statement of one Amarjit Singh, who is co-accused. The allegation against her is that she rang up the deceased person on the pretext of giving him a job for Rs.30,000/- per month. There is no other allegation against her and she was not involved in the actual commission of crime. The petitioner is also a young mother. Her two years' old son is residing with her in the jail and during custody she has given birth to a girl child on 05.08.2018. Thus, the petitioner may be granted bail.

The prayer is opposed by the learned State counsel on the ground that call detail records show that the petitioner was also present at the spot when the crime was committed.

On being asked, whether the investigation is still ongoing or the same is complete, the learned State counsel submits that the investigation has been completed and the challan has been presented in the Court.

Keeping in view the fact that the petitioner is a lady nursing two small children as well as the fact that the trial is not likely to be concluded at an early date, no useful purpose would be served by keeping the petitioner in custody indefinitely. Even though, the police investigation suggests that the petitioner was present at the scene of the crime, it is unlikely that she was involved in the actual execution of the same as she was in an advanced stage of pregnancy.

For the aforementioned reasons, the petition is allowed and the petitioner, namely, Pooja, is ordered to be released on bail on her furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

(SUDHIR MITTAL)
JUDGE

18.09.2018
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No