

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-12519 of 2019

Date of Decision: 27.05.2019

Swati Sethi

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

Present: Mrs. Munisha Gandhi, Senior Advocate
with Mr. G.P.Singh and Mr. Adarsh Dubej, Advocates
for the petitioner(s).

Mr. Ashish Sanghi, Deputy Advocate General,
Haryana, for the respondent.

Mr. N.S.Shekhawat, Advocate
for the complainant.

Shekher Dhawan, J.

Present petition under Section 439 Cr.P.C. for seeking regular bail to the petitioner in case FIR No. 239 dated 28.02.2018, registered under Sections 302, 201, 120-B, 364 IPC read with Section 34 IPC and Sections 25/54/59 of the Arms Act, 1959 at Police Station Central Faridabad, District Faridabad.

Prosecution case is that on 01.03.2018, an unfortunate car bearing registration No. HR-51-BP-8550, owned by Brahmjeet (since deceased), was found parked unattended near Milan Vatika. As per CCTV footage, Brahmjeet was observed as having boarded a red coloured Brezza car. One lady was seen alighting from the driver seat and subsequently, she

opted to sit on rear seat. Petitioner Swati Sethi and her co-accused Rajiv Bhati were joined for investigation and their disclosure statements were recorded, on the basis of which, corpus of Brahmjeet were recovered from the land of S.S. Developers after digging the earth. The alleged Brezza car was recovered from Jaipur and two pistols were also recovered from one dirty drain. As such, FIR No. 239 dated 28.02.2018 under Sections 364, 302, 201, 120-B & 34 IPC and Sections 25/54/59 of the Arms Act, 1959 was registered. After investigation, report under Section 173 Cr.P.C. has been filed.

Learned counsel for the petitioner contended that petitioner is in custody since 24.03.2018 and charges have already been framed against her. Learned counsel further contended that trial of the case still to take some more time and, therefore, petitioner be released on regular bail.

Learned counsel for the respondent-State has opposed the bail application on the ground that petitioner is the main accused; trial of the case is still pending; the material witnesses are yet to be examined and as such, no case is made out for releasing the petitioner on regular bail. Thus, prayer has been made for dismissal of the present petition.

Having considered the submissions made by learned counsel for the parties and the fact that as per prosecution case, it was a case under Section 302 IPC, based on circumstantial evidence. Petitioner Swati Sethi was an employee of Rajiv Bhati, who is her co-accused in the case. The red coloured Brezza Car was recovered by the Rajasthan Police in burnt condition. Earlier, DDR No. 32 regarding the same car, was got recorded by the petitioner herself. It had also come in the investigation that mobile

phone, which was used for calling Brahmjeet (since deceased), was purchased by the petitioner. Corpus of Brahmjeet was recovered at the instance of petitioner. The said Brezza car, used for the commission of offence, was also recovered, for which DDR was got recorded by the petitioner. Since petitioner is the main accused in this case and prosecution witnesses are yet to be examined during the course of trial, no case is made out to release her on regular bail. As such, present petition stands dismissed.

(Shekher Dhawan)
Judge

May 27, 2019
“DK”

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No