

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M- 13504 of 2019 (O&M)
Date of Decision:10.04.2019

Sarita

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr.Rakesh Kumar Lathwal, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner seeking regular bail in case FIR No.469 dated 18.08.2018 registered under Sections 148, 149, 302, 323 and 325 IPC at Police Station Sadar, District Sonipat (Haryana).

Learned counsel for the petitioner contends that the case against the petitioner is concocted. In fact, the petitioner is a married woman and her matrimonial home is at far-off place. On the date of alleged occurrence, she was at the house of her in-laws. Therefore, she was not even present at the place of occurrence. Even the allegation against the petitioner is that she, alongwith one Pooja, wrapped the 'Chunni' around the neck of the deceased and stretched the same, while co-accused of the petitioner caused injuries to the deceased. However, this version of the prosecution is falsified by the fact that no external nor internal injury was found on the neck of the deceased, as per the post mortem report. Only

'Chunni' was found wrapped around the neck of the deceased, however, chunni is a normal part of apparel of the ladies. Therefore, mere presence of the chunni around the neck of the deceased-lady is not sufficient to connect the petitioner with the alleged crime. Still further it is submitted that the petitioner is in custody since 18.08.2018. She is not required for investigation purposes.

It is further submitted that out of total 30 witnesses, only 03 witnesses have been examined so far. The trial is not likely to be concluded in near future. Hence, the petitioner deserves to be granted concession of bail, during pendency of the trial.

On the other hand, learned State counsel, on instructions from Dilawar Singh, ASI, submits that the petitioner has participated in the offence. The allegation against the petitioner is substantiated by the fact that the chunni, which was wrapped by the petitioner and her co-accused around the neck of the deceased, was found around the neck of the deceased even at the time of the post mortem examination. However, it is not disputed that no corresponding ligature marks, external or internal injury was found on the neck of the deceased.

In view of the above, but without commenting upon the merits of the case, the present petition is allowed. The petitioner is granted bail during the pendency of trial. The petitioner be released on bail on his furnishing bail/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

April 10, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No