

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

219

CRM-M-16984-2019.

Date of Decision: 28.08.2019.

Chanchal

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. S.K. Panwar, Advocate for the petitioner.

Mr. Ashish Sanghi, Deputy Advocate General, Haryana.

Shekher Dhawan, J.

Present petition under Section 439 of the Criminal Procedure Code is for grant of regular bail to petitioner—Chanchal daughter of Tej Pal in case F.I.R. No.30 dated 14.01.2018 under Sections 302, 201, 34 of the Indian Penal Code, registered at Police Station Sadar Rohtak, District Rohtak.

Learned counsel representing petitioner contended that the petitioner is in custody since 16.01.2018 and all the material witnesses have already been examined in this case, who have not supported the prosecution case. Copies of statement of PW2-Sushila and PW1 Attar Singh, maternal uncle are annexed as Annexure-P3 and P3 and these witnesses have also not supported the prosecution case. Trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bars, so she be released on bail.

Learned State counsel, on instructions from ASI Suresh Kumar, opposed the prayer for bail on the ground that weapon used for commission of the offence was recovered from the petitioner. However, learned State counsel fairly conceded that material witnesses of the case have not supported the prosecution case.

At this stage, without commenting anything on the merits of the case, which may not cause prejudice to either of the parties at a later stage, but taking the above facts into consideration and the fact the petitioner is in custody since 16.01.2018, PW1 and PW2, who are the material witnesses in this case, have not supported the prosecution case; trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bars, the present petition is allowed. Petitioner—Chanchal, is ordered to be admitted to regular bail on her furnishing adequate bail bond and surety bond to the satisfaction of concerned learned trial Judge/ Chief Judicial Magistrate/ Duty Magistrate.

(SHEKHER DHAWAN)
JUDGE

28.08.2019

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No