

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-23050 of 2019

DATE OF DECISION: MAY 24, 2019

SUMAN

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. SHIVANSH MAILK, ADVOCATE FOR THE PETITIONER.
MR. SUKHDEEP PARMAR, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.493 dated 4.12.2018 under Sections 302, 201, 120-B/34 IPC, Police Station Kalanaur, District Rohtak, during the pendency of the trial. The petitioner is in custody since the date of her arrest, i.e. 13.12.2018.

The FIR was recorded on the statement of the petitioner herself when she reported the matter about missing of her husband (Sanjay S/o Risal) and the first information report reads as under:-

“To, SHO Police Station Kalanaur, Sir it is requested that I Suman w/o Sanjay caste Dhanak r/o Village Kherari and I am a housewife. My husband Sanjay s/o Risal left the house on 2.12.2018 in the morning at 6 A.M. out of his own will without disclosing to anyone. For which I along with my other family members made a search at my own level but not avail. He was

wearing black trousers, yellow colour shirt and was having a red stole (parna) and wearing slippers. Today I came present in the police station and got my report registered. My husband may be searched. Applicant Suman w/o Sanjay caste Dhanak Village Kherari Mob No.9812436520, 7419140646.”

Thereafter statements of Sukhwinder Singh S/o Risal Singh, brother-in-law of the petitioner and his wife, namely, Saroj were recorded under Section 161 Cr.P.C., wherein it was alleged that Suman was having illicit relationship with her brother-in-law, namely, Sunil. On the strength of these statements, offences punishable under Section 302 and 201 IPC were added.

Learned counsel for the petitioner contends that the petitioner herself got her statement recorded regarding missing of her husband, however, later on was indicted as accused in view of the statements recorded by Sukhwinder Singh and Saroj. It is contended that both these prosecution witnesses have testified before the Court and have not supported the case of the prosecution. According to him, still there are various witnesses, who remain to be examined and the trial will conclude after a considerable time.

On the other hand, learned State counsel who is assisted by ASI Ravinder has opposed the prayer, but does not dispute this fact that PW1 Sukhwinder Singh and PW2 Saroj have not supported the prosecution case, who were declared hostile by trial Court. It is also submitted that out of 20 prosecution witnesses, 12 witnesses have been examined.

Considering the above fact that the petitioner is a lady and the

trial will take some more time to conclude, further detention of the petitioner may not be justified. Therefore, without commenting upon merits of the case and considering the custody and status of the trial, the petitioner, namely, Suman W/o Shri Sanjay is admitted to regular bail subject to her furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court.

The petition is allowed.

May 24 , 2019
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No