

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-51404 of 2018 (O&M)
Date of decision : January 10, 2019

Ritu Dhami

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Jasraj Singh, Advocate, for the petitioner
Mr. Avtar Singh Sandhu, Addl. AG Punjab for the State

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Ritu Dhami in this first regular bail application under Section 439 Cr.P.C. filed in case FIR No. 118 dated 29.7.2018, under Sections 306, 34 IPC subsequently altered to Sections 302, 465, 468, 120-B IPC, Police Station City, District Hoshiarpur, have been levelled by complainant Amandeep Sharma brother of deceased Kanchan Khanna alias Kanchan Sharma.

The brief allegations are that a marriage between the accused non-applicant Nishant Khanna and deceased Kanchan Sharma was solemnized on 4.9.2016 and at that time, husband was carrying on relationship with the present petitioner and it alleged that as a sequel to this,

the petitioner had consumed poison and was hospitalized and that subsequently on 28.7.2016 it is alleged that husband Nishant Khanna had pushed and thrown the deceased from the roof leading to her death.

Mr. Jasraj Singh, counsel for the petitioner inter-alia contends that the petitioner is behind the bars for more than five months and there is no semblance of any evidence/allegation against her for having participated in the commission of offence and that as per the story of the prosecution, the co-accused Nishant Khanna has only pushed the deceased from the roof of their house and that the trial is not likely to be concluded in the near future.

On behalf of State, learned State counsel assisted by ASI Jagdeep Singh, Police Station City Hoshiarpur has stoutly opposed the grant of bail on the grounds of heinousness of crime and seriousness of allegations arguing that it was a clear case of murder of the deceased in which the petitioner has a role to play and if allowed bail would certainly stifle the trial.

Appreciating the submissions for the two sides, to the specific query of the Court as to what evidence is collected against the present petitioner, the learned State counsel fairly concedes that except the element of criminal conspiracy, there is no direct evidence of involvement of the petitioner. Since the allegations have been levelled against the husband for having pushed the deceased from the roof of their dwelling unit and thus a debatable issue arises over the very element of criminal conspiracy which can only adjudicated at the time of trial. The petitioner is behind the bars

for more than five months and the trial is not likely to be concluded in near future, no purpose will be served by retaining the petitioner in jail. Accordingly, she is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Hoshiarpur.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

January 10, 2019

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No