

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-51460 of 2018 (O&M)
Date of Decision: March 13, 2019

Priya @ Pooja

.....Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Ms. Swati Verma, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab.

Mr. Vipin Kumar, Advocate
for the complainant.

FATEH DEEP SINGH, J. (Oral)

CRM 1466 of 2019

For the reasons stated therein, the application stands allowed. Copy of order dated 05.09.2018 (Annexure P-4) is taken on record.

CRM M-51460 of 2018

On 16 December 2017, a small girl aged around 11 years daughter of complainant-Jeetan Ram went missing. The present case

was got registered and during the course of investigations, the dead body was got recovered on 24.12.2017 about 500 metres away from his residence after the dogs have dug out the same and were in the process of devouring it. It was in the subsequently statement got recorded on 25.12.2017 by the complainant, it was revealed that the accused/petitioner Priya @ Pooja alongwith her husband non-applicant Ranjit Kumar, who are neighbours of the complainant had abducted the girl and killed her leading to arrest of the accused on 25.12.2017.

Learned counsel for the petitioner has submitted that there is no direct evidence to connect the petitioner with the commission of the offence and it is belatedly the name of the petitioner/accused has cropped up in the supplementary statement of the complainant and nothing has been recovered at the behest of the petitioner, who is a lady and behind the bars and has placed reliance upon **Smt. Kunti wife of Rajiv Agarwal and another Vs. State of Haryana**, 1983(1) R.C.R., (Criminal) 387, **Smt. Sudesh Kumar Vs. State of Haryana** 1995(4) Crimes 643 and **Santosh @ Sukhi Devi Vs. State (32) (Rajasthan)** 2002(1) Rajasthan LR 155.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab. Assisted by Mr. Vipin Kumar, counsel for the complainant has opposed the grant of relief on the grounds that the accused had made extra judicial confession before a Member Panchayat and even one of the witnesses Ram Kumar had [turned hostile] had seen the accused digging the pit

and burying the dead body whereas one Shiv Dhankar in his statement before the police had seen the deceased lastly in the company of the accused. It is argued that the petitioners have already been able to stifle the trial and if released on bail would certainly pressurise the remaining witnesses. The heinousness of the allegations also disentitle him to any relief.

Appreciating the submissions, the accused petitioner happens to be the neighbour of the complainant. It is during the course of investigations the accused made extra judicial confession, was seen digging the pit and burying the dead body and the evidence of the last seen together with the deceased. The trial is underway and it is there in the medical opinion that the death of the deceased had occurred due to strangulation as well as rape. The apprehension of the State that if allowed bail, there is every likelihood that the petitioner might influence the trial is not unfounded.

In view of the allegations that have come it is not a fit case for grant of bail.

Dismissed.

March 13, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No