

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-37251 of 2019
Date of Decision: 16.10.2019

Radha

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Shiv Kumar, Advocate
for the petitioner.

Ms. Dimple Jain, A.A.G. Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 521 dated 11.06.2018 registered for offences punishable under Sections 302 read with Section 120-B of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station Sarai Khawaja, District Faridabad.

Heard.

As per case of prosecution, an information was given to police of Police Station Sarai Khawaja, Faridabad that Sanjay, husband of Nisha, had died due to injuries suffered by him in a fall from stairs of his house. During postmortem, it was revealed that he had died due to bullet injuries. The police recorded statement of Ram Kumar, father of deceased, who blamed petitioner, who is wife of his son, namely, Ajay @ Sonu, her brother Pawan and one Sanjeev Sharma for the murder of his son. Both Pawan and Sanjeev Sharma were arrested on 28.06.2018 and during investigation they confessed their crime and suffered disclosure statement that they committed

murder of Sanjay in conspiracy with petitioner. On the day of incident they had fired at Sanjay, when he came out of his house to go for a walk. The police recovered an empty cartridge and the motorcycle used in the crime from Pawan and a pistol used in the crime from Sanjeev Sharma.

Learned counsel for the petitioner has argued that Pawan has been allowed regular bail by this Court vide order dated 05.02.2019 passed in CRM-M-56215-2018. Role of petitioner is of conspiracy while as per allegations of prosecution, Pawan had participated in commission of crime.

Learned State counsel submits that out of 32 prosecution witnesses 22 have been examined so far and the next date fixed in the case is 18.10.2019.

Keeping in view the fact that co-accused, Pawan, against whom allegations are more serious than the allegations against petitioner has been allowed regular bail by this Court on 05.02.2019; the role attributed to the petitioner on the basis of disclosure statement of co-accused is that she conspired with co-accused to eliminate Sanjay; and that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Radha is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of her absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel her bail bond and surety bond and proceed to procure her

presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

- (c) She shall not leave the country without the previous permission of the Court.

October 16, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No