

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

**Crl. Misc. No.M-52642 of 2019 (O&M)
Date of Decision: December 13, 2019**

Sanjana

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rakesh Nehra, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

Heard.

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. 42 dated 22.02.2019 registered for the offences punishable under Sections 302, 120-B of Indian Penal Code and 25 of Arms Act at Police Station Lakhan Majra, District Rohtak.

Notice of motion.

On asking of the court, Mr. Munish Sharma, Asst. A.G., Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

As per case of prosecution, Naresh was murdered on

22.02.2019 and FIR was registered on the statement of his brother Gulab,

who suspected that his nephew (sister's son) Harish @ Hunny and Bagga had murdered his brother.

The police associated both in the investigation and found them innocent. Thereafter, wife of deceased was also arrested but during investigation she was also found innocent. During investigation, Jagbir @ Midda son of Sahab Singh (husband of petitioner) was arrested, who suffered a disclosure statement that they were having dispute with Naresh and his wife as Naresh had been using abusive language, under the influence of liquor, against them. On 05.02.2019, there was a exchange of hot-words with wife of Naresh and in the evening Naresh under the influence of liquor used abusive language against him and his wife. In the scuffle both the parties suffered injuries and they were medically examined. However, the matter ended in a written compromise dated 12.02.2019. His wife was cursing him for defaming them by that compromise and incited him to take revenge, at which, Jagbir @ Midda, his brother Amit and petitioner planned to kill Naresh. Later role regarding murder of Naresh is amongst Jagbir @ Midda, his brother Amit and other co-accused, who were paid money to arrange the weapon and then murdered Naresh.

Learned counsel for the petitioner submits that the petitioner has been involved in this case being wife of Jagbir @ Midda. As per disclosure statement of Jagbir @ Midda relied upon by prosecution, she was cursing her husband and inciting him to take revenge from Naresh. However, she had no role in planning the murder of Naresh. He further submits that petitioner has two minor children. One year old child is living with her in the jail and there is nobody to take care of other minor child and

family.

Learned State counsel submits that it was a case of blind murder. The police has investigated the case from different angles and ultimately pounced upon Jagbir @ Midda whose disclosure statement led to crack the case. The petitioner is also one of the conspirator in the murder of Naresh as she was perturbed due to compromise dated 12.02.2019 between her husband and Naresh, which was given to the police with regard to incident dated 05.02.2019. The case is based on circumstantial evidence and release of petitioner at this stage will provide her opportunity to prevail upon the prosecution witnesses.

The present case is based on circumstantial evidence. The prosecution is relying on the disclosure statement of Jagbir @ Midda against the petitioner which refer to her cursing and inciting her husband to take revenge from deceased. There is no other evidence against her except the disclosure statement of her husband which will be a subject matter of scrutiny before the trial Court. After investigation, challan against the petitioner has been presented and trial is in progress. She does not have any criminal background and has toddlers and family to look after.

Keeping in view the above facts but without expressing any opinion on the merits of this case, the present petition is allowed. Petitioner-Sanjana is ordered to be released on regular bail on her furnishing bail bond and surety bond to the satisfaction of concerned 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 prior permission of the Court.

(SURINDER GUPTA)
JUDGE

December 13, 2019
Jyoti-II

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***