

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

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IN VIRTUAL COURT

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**CRM-M No. 9034 of 2020
Date of decision : 28.5.2020**

Shimla Devi

.....Petitioner

Vs.

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Anil Kumar Malik, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

This petition has been filed by the petitioner under Section 439 of Cr.P.C. for grant of bail pending trial in case FIR No. 475 dated 26.5.2017, registered under Sections 307, 34 IPC (Section 302 IPC added later on and converted in Section 306 IPC), at Police Station Model Town, District Panipat.

It is contended by the counsel for the petitioner that the case against the petitioner is totally concocted. Even the prosecution have been repeatedly changing the stand. As a result, although in the first instance, the case was registered under Section 307 IPC. However, subsequently the same was converted into Section 302 IPC. Still thereafter, the case was converted into offence punishable under Section 306 IPC. All the other persons who were named with the petitioner; have already been found to be innocent. So far as the allegations against the petitioner are concerned, there is no substantial evidence recovered by the prosecution during investigation qua those allegations. The deceased was residing separately and not with the family of

the petitioner. This fact is stated by the deceased herself while making statement under Section 164 Cr.P.C. Hence, there was no reason or occasion with the petitioner to harass or to cause death of the deceased. Still further, it is submitted that the petitioner is in custody since 30.5.2017. The petitioner is not required for any investigation purposes. The prosecution is likely to take long time, because, only 9 witnesses have been examined by the prosecution so far out of total 20 witnesses. Hence, the petitioner deserves to be released on bail.

Notice of motion.

Mr. Anmol Malik, AAG, Haryana, accepts notice on behalf of the State.

The counsel for the State, on telephonic instructions, submits that the name of the petitioner is duly mentioned in the FIR itself. The case is based on the dying declaration of the deceased herself. However, it is not disputed that the case was initially registered under Section 307 IPC and has now been converted to a case under Section 306 IPC. It is also not disputed that the petitioner is in custody since 30.5.2017 and that only 9 witnesses have been examined out of total 20 witnesses.

In view of the above, but without commenting upon the merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail pending trial on her furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

28.5.2020

Ashwani

Speaking/Reasoned : Yes/No
Reportable : **Yes/No**