

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-15746-2020 (O&M)
Date of Decision:- 30.10.2020

Kanta

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gurmail Singh Duhan, Advocate, for the petitioner.

Mr. Karan Sharma, AAG, Haryana,
assisted by ASI Ramesh Chand.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against her vide FIR No.481, dated 12.11.2019, Police Station Kaithal City, District Kaithal, under Section 302/34 IPC.
2. The FIR in question was registered at the instance of Hari Chand wherein it has been alleged that a quarrel over a street had taken place about 10 days earlier with Kanta w/o Ram Parkash, who is nephew of the complainant and in the said quarrel Kanta had broken

the door of the complainant's house. Thereafter complainant's wife Gulabi went to her Village Sudkain. It is alleged that on one day prior to FIR i.e. on 11.11.2019, complainant's wife returned back from Village Sudkain. The complainant left for his work to Amba Rice Mills Silla Khera while his wife was alone at her home. It is alleged that at about 4 pm the complainant received a telephone call from Krishan that complainant's wife was lying in a pool of blood outside his house. Upon receipt of said information the complainant immediately went home and saw his wife lying in a pool of blood. He took his wife to hospital where she was declared dead. The complainant alleged that he had come to know that one day earlier Kanta had again quarreled with complainant's wife Gulabi and in which Kanta and her son Aman had caused injuries to Gulabi.

3. Learned counsel for the petitioner has submitted that it is a case of blind murder where no one had actually witnessed the murder and that the petitioner is sought to be falsely implicated as there had been some quarrel earlier with her regarding street.
4. Learned counsel for the petitioner has further submitted that although one Vikram is now sought to be projected as an eye witness but in fact neither the complainant nor complainant's son namely Raj Kumar in their statements recorded under Section 161 Cr.P.C. have made any reference to the aforesaid Vikram or have stated regarding any other person having witnessed the murder.
5. Opposing the petition, learned State counsel has submitted that since it has surfaced during the course of investigation that Vikram had

witnessed the murder who is yet to be examined during the course of trial, no case for grant of bail is made out. Learned State counsel upon instructions from ASI Ramesh Chand has however, informed that the petitioner has been behind bars since the last about 11 months and that she is not involved in any other case.

6. I have considered rival submissions addressed before this Court. Having regard to the facts and circumstances of the case and while keeping in view the fact that the petitioner is a lady and had been behind bars since the last about 11 months and is not involved in any other case, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

October 30, 2020
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No