

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 27319 of 2020

Date of Decision: 07.10. 2020

Kavita

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Parveen Kumar Kaushik, Advocate
for the petitioner(s).

Mr. Chetan Sharma, Assistant Advocate
General, Haryana for the respondent.

Anil Kshetarpal, J.

The petitioner-Smt. Kavita wife of Sandeep prays for grant of regular bail pending trial in a criminal case arising from FIR No. 18 dated 10.01.2020, registered under Section 460 IPC (Section 328, 201 & 120-B IPC were added lateron), at Police Station Tosham, District Bhiwani.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Bhiwani in para 5 of its order dated 04.08.2020, which is extracted as under:

“According to the prosecution, dead body of Smt.

Santosh was found in her house on 10.01.2020. Some ornaments of Smt. Santosh and cash amount of Rs, 8000/10,000/- were also found missing. During investigation, co-accused Hari Kishan was arrested on 15.02.2020. During interrogation, he suffered disclosure statement wherein he disclosed that he was having love affair with the present applicant for the last 3 years. He

further disclosed that he had given mobile phone No. 8S95074210 to the present applicant and the applicant used to chat with him at mobile phone No. 9267434511. He further disclosed that when Smt. Santosh suspected their relations they made a plan to murder Santosh. He gave 5 tablets of Aprax to the present applicant and asked her to give those tablets to Smt. Santosh. On 09.01.2020, the present applicant gave those tablets to Smt. Santosh and informed him. During night he reached the house of Smt. Santosh. The present applicant opened gate and they murdered Smt. Santosh by pressing her throat with a pillow”.

Learned counsel for the petitioner contends that the petitioner is sought to be implicated as an accused on the disclosure statement of Harikishan Singh alias Mapal. He further contends that co-accused, namely Harikishan Singh has been granted the concession of bail by the learned Sessions Court on 28.08.2020.

A copy of the reply forwarded on the official email of the Court, wherein it has been pointed out that the petitioner was using a mobile phone of Harikishan Singh. It has further been pointed out that the petitioner and Harikishan Singh were in constant touch with each other. On the night of incident, there was a call exchanged between them at 12.45 A.M.

On a Court question, learned State counsel has admitted that the petitioner is sought to be implicated as an accused on the basis of circumstantial evidence.

Learned counsel admit that there is no recovery from the petitioner. The petitioner is in custody since 15.04.2020 and her co-accused has already been granted the concession of bail.

Keeping in view the aforesaid facts and without expressing any opinion on the merits of the case, it is considered appropriate to direct the petitioner to be released on regular bail. Hence, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to her furnishing bail/surety bonds to the satisfaction of the learned Area Judicial Magistrate/Chief Judicial Magistrate/Duty Magistrate.

(Anil Kshetarpal)
Judge

October 07, 2020
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No