

225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.33716 of 2020 (O&M)
Date of Decision:02.12.2020

(through video conferencing)

NASEEMA

...Petitioner

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Namit Khurana, Advocate for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

Mr. Akshit Aggarwal, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner, in case FIR No.75 dated 13.05.2019 under Sections 302 and 342 read with 34 of IPC, registered at Police Station Sadhaura, District Yamuna Nagar.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case in hand and in fact a perusal of the FIR reveals that no specific injury much less any attribution has been levelled against the petitioner nor has any incriminating evidence been collected against the petitioner during investigation. He further submits that in fact the motive given for the alleged crime was that the petitioner was

having illicit relation with the deceased. Hence, it does not appeal to reason that in case the petitioner was indeed having illicit relations with the deceased then why would she have been a party to the alleged crime. He submits that the petitioner who is a household lady having two minor children has been in custody since 16.05.2019 for no fault of hers and there is no likelihood of the trial concluding in the near future due to the outbreak of pandemic COVID-19.

Per contra, learned State counsel on instructions from SI-Somnath, while opposing the prayer of learned counsel for the petitioner has not been able to controvert the fact that no injury has been attributed to the petitioner and has rather conceded that the motive to commit the alleged crime was an alleged illicit relationship between the petitioner and the deceased.

Learned counsel for the complainant has also opposed the grant of the concession of regular bail and submitted that there are serious allegations against the petitioner and other accused of conniving with each other and assaulting the deceased to death.

Heard.

In view of the submissions made by learned counsel for the petitioner and keeping in view the fact that the petitioner has been in custody since 16.05.2019 and due to the outbreak of the pandemic Covid19, the trial is not likely to conclude in the near future coupled with the fact that charges have not yet been framed, I deem it is a fit case to grant the concession of regular bail to the petitioner. Without expressing anything on the merits of the case, the instant petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the trial

Court/Duty Magistrate concerned.

(MANJARI NEHRU KAUL)

December 02, 2020

JUDGE

Jyoti-IV

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No