

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

Criminal Misc. No.M-36552-2020(O&M)

Date of Decision: December 23, 2020

Anu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.A.P.S.Sandhu, Advocate
for the petitioner.

Mr.Parveen Aggarwal, DAG, Haryana.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of bail in case FIR No.0559 dated 25.11.2019 under Section 302/34 IPC and Section 25 of the Arms Act (added lateron), Police Station Gohana City, District Sonipat.

The FIR was registered on the complaint of one Sumit Kumar with the allegation that his sister Shivani was working as a teacher in Mastnath College, Rohtak for the previous month and half. He had dropped his sister at the College at about 9.00 AM. At about 1.00 PM he received information from the Police that the dead body of his sister Shivani has been received in Government Hospital, Gohana. He went to the hospital and saw that his sister had suffered an injury on the left side of her ribs with a weapon identical to a knife and blood had oozed out. He stated that his sister had been murdered and that action be taken. Thereafter the present FIR was registered.

came to light that Shivani (deceased) was having an extramarital affair with one Rahul and that Rahul and his wife Anu (petitioner) had murdered Shivani. The prosecution case is based on the Hospital Entry Register as per which the deceased had been brought to the hospital by the petitioner, broken pieces of bangles and one topaz found by the road side, call records between Rahul and Shivani and one extra-judicial confession allegedly made by Rahul and Anu (petitioner) before one Sumer Singh, Municipal Councillor, Gohana.

Ld. Counsel for the petitioner has contended that the petitioner is resident of village Gangan, whereas, Sumer Singh is Municipal Councillor in the city, as such there was no occasion for a resident of village to make an extra judicial confession before a total stranger. It is argued that extra judicial confession is a very weak type of evidence and cannot be relied unless there is strong corroborative evidence. As regards the Hospital Entry Register in the Government Hospital, wherein, the name and phone number of the petitioner (Anu) are mentioned, it is argued that by no stretch of imagination it can be assumed that a person will first commit murder, then take the victim to the Hospital and provide his/her name and phone number to the Hospital Authorities. It is argued that a person in such circumstances would make all efforts to conceal his/ her identify rather than reveal it. As regards the recovery of broken pieces of bangles and an ear ring from the spot it is argued that there is no evidence to link the said articles with the petitioner. As regards the allegation of extramarital affair of deceased Shivani with Rahul, it is argued even if it is assumed to be true that by itself cannot be a basis to connect the petitioner, who is wife of

telephonic conversation of the petitioner with the deceased. As per the challan papers it is only Rahul who spoke on the phone with the deceased just prior to discovery of her dead body.

Ld. Counsel for the petitioner has further stated that the petitioner is a mother of a child, aged about 2½ years. She has been behind bars for the last more than one year. The trial has not make any headway due to Covid pandemic. The petitioner having a young child, is not in a position to interfere with the trial or to influence the witnesses.

Ld. Counsel for the State has opposed the petition and stated that the petitioner along with her husband co-accused Rahul has murdered a young girl.

Having heard Ld. Counsel for the parties, having carefully perused the challan papers and considering that the petitioner has been in custody for more than a year, she is a lady having a 2½ years old child to look after and the fact that the trial may take considerable time in view of the Covid-19 Pandemic I am of the view that the petitioner deserves to be released on bail.

Hence, the present petition is allowed. The petitioner (Anu) is directed to be released on bail on her furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

December 23, 2020

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No