

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

(Through Video Conferencing)

CRM-M-40061-2020

Date of Decision: 04.12.2020

SUMITRA

.....Petitioner

V/s.

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Mr. S.K.Bishnoi, Advocate,
for the petitioner.

Mr. Rajiv Goel, Deputy Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

This is first petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in a case FIR No.150 dated 14.07.2020 registered under Sections 302 and 34 of Indian Penal Code, 1860 (Section 120-b of the IPC added later on) at Police Station Nathu Sarai Chopta, District Sirsa Haryana

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the instant case for allegedly conspiring with her son in the murder of her mother namely Santro Devi and one Jalandhar Singh. While referring to the FIR in question which was registered soon after the alleged crime against unknown persons and the report under Section 173 of the Cr.P.C., it has been submitted that on a perusal of the same it is very evident that the petitioner has been nominated as an accused without there being any qualitative evidence to connect her with the crime in question. He also submits that the petitioner has been in custody since 17.07.2020 and only

report under Section 173 of the Cr. P.C. has been filed so far. Therefore, there is no likelihood of the trial concluding any time in the near future.

Per contra, learned State counsel, while opposing the prayer of and submissions of the learned counsel for the petitioner, on instructions from SI Anil Kumar, has submitted that the petitioner has confessed before the investigating agency of conniving with her son to carry out the alleged crime. He has further submitted that charges are likely to be framed in the near future.

Heard.

Admittedly, the case rests on circumstantial evidence and the petitioner as has also been conceded by the learned counsel for the State has been arrayed as an accused on the basis of an alleged confessional statement made before the investigating agency, which is an evidence of a weak nature. The trial is unlikely to conclude in the near future, more so, due to the outbreak of pandemic COVID-19. The present petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

December 4, 2020

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No