

**CRM Nos. 15608 and 15609 in/and
CRM-M-34578-2019**

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

**CRM Nos.15608 and 15609 in/and
CRM-M-34578-2019 (O&M)
Date of Decision: 21.07.2020**

Anita

.. Applicant/Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rakesh Kumar Lathwal, Advocate for applicant-petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

CRM-15608-2020

Application is allowed, as prayed for.

CRM-15609-2020

This is an application for fixing the date of hearing in the main petition.

Learned counsel for the applicant-petitioner contends that the main case was listed on 18.03.2020 and thereafter, the same has not been listed till today.

Notice of the application.

At this stage, Mr. Sukhdeep Parmar, DAG, Haryana, accepts notice on behalf of respondent-State and does not oppose the prayer.

Application is allowed and the main case is taken up today itself.

CRM-M-34578-2019

Petitioner has filed this second petition under Section 439

02.10.2018 under Sections 302, 201, 120-B IPC read with Section 34 IPC, 1860, Police Station Kharkhoda, District Sonipat. The petitioner is in custody since her arrest on 03.10.2018.

The above FIR registered on the statement given by Om Parkash reads as under:-

“To, Post Incharge Saidpur Sir Stated that I am Om Parkash S/o Sh Chander Singh, Caste Jat and I am resident of Village Jatola and I am retired from D.T.C. Department and I have two sons and elder one name is Rakesh and younger is Naveen and the marriage of my son was solemnized 14 years ago with Anita D/o Dariyav Singh resident of Bakner. My son went on security duty on 27.09.2018 morning time at Bawana Industrial area. That my son Rakesh found dead on next day 28.09.2018 at morning time at Halalpur Canal pier and post mortem was conducted. After that Krishan S/o Dharam Singh, Caste Jat, Resident of Village Jatola told me that Deepak S/o Satbir who was neighbor was sitting at Rakesh motorcycle alongwith Rakesh and I saw Amit S/o Jagbir was coming on another motorcycle behind him and he was coming from Bawana to Firozpur at approx 08.00 at evening time. That my son wife Anita had illicit relationship with Amit S/o Jagbir for many days and due to this there was fight between my son Rakesh and my son wife Anita. That during fight Anita used to told Rakesh I will dispose you. That I have suspicious that my son Rakesh was killed by Amit S/o Jagbir and Deepak S/o Satbir on the asking of Anita and throw the dead body of my son on Halalpur Canal for concealing. Kindly take a legal action against them. SD/- Om Parkash 805320203”

Learned counsel for petitioner contends that the co-accused of the petitioner, namely, Amit @ Seetu has been extended the concession of regular bail by this Court vide order datd 16.07.2020 passed in CRM-M-14755-2020. It is pointed out that the prosecution case hinges upon circumstantial evidence and the petitioner has been indicted as an accused on the suspicioin of her illicit relations with co-accused Amit @ Seetu. He has argued that the deceased was allegedly murdered by the other co-

accused of the petitioner and, therefore, her case is on a better footing. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Amit Kumar, does not dispute the above background of the case. He has apprised the Court that in all, there are 25 prosecution witnesses and out of it, 7 have been examined including the complainant.

Considering the above background, custody of the petitioner, who is a lady, this Court is of the opinion that her further detention may not be justified, particularly when the trial is likely to consume considerable time to conclude, in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread. The petitioner after her arrest on 03.10.2018 is presently confined in judicial custody and her custody is not required for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

21.07.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No