

217+127 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44869-2019 (O&M)

Date of decision-12.02.2020

Payal

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Arjun Atri, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Ramnish Puri, Advocate for the complainant.

MANOJ BAJAJ, J.

CRM-5121-2020

Application is allowed as prayed for.

Annexure P-6 is taken on record.

Main case

Petitioner-Payal has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.177 dated 25.05.2018 registered under Section 302 read with Section 34 of Indian Penal Code at Police Station Tauru, District Nuh. The petitioner is in custody since her arrest on 29.05.2018.

The FIR in question was registered on the basis of statement of Rajat Jadon son of Lt.Jagdish Jadon, wherein it was alleged that he works as a driver and has four brothers and a sister. His brother, namely, Jai Kishan and Madhu Sudhan were married whereas the others were unmarried. Madhu Sudhan was married to Payal and they were blessed with a son and a

daughter. His brother was residing in a rented accommodation at Tauru where his in-laws were residing separately. A dispute between his brother and sister-in-law was going on for the last six months. On 24.05.2018, Krishan Kumar received a call that Madhu Sudhan was not well and was being taken to hospital for treatment. Krishan Kumar further informed the complainant and thereafter, he along with other family members reached Tauru, where dead body of Madhu Sudhan was lying in the house of Charan Singh. According to the complainant, Payal in connivance with Vipin Goel murdered Madhu Sudhan.

Learned counsel for the petitioner has placed reliance upon the CCTV footage installed at the shop of the victim to contend that the petitioner was not present at the place of occurrence where her husband died as she was at his shop. It is argued that a common case was set up by the complainant, namely, Rajat Jadon (step brother of the victim) who described illicit relations between the petitioner and Vipin Goel as a motive behind the said crime. It is pointed out that after completion of investigation, said Vipin Goel was found innocent. According to him, the petitioner is confined in judicial custody who is not required for any interrogation purposes etc and prays for grant of regular bail.

While opposing the prayer, learned counsel for the complainant as well as learned State counsel assisted by ASI Bhanwar Singh argued that the co-accused, namely, Vipin Goel has been summoned by the trial Court vide order dated 30.01.2019. They have submitted that the victim died of strangulation and the motive is attributed to both the accused who were

involved in illicit relations. However, it is not disputed that the complainant has been examined as witness before the Court.

At this stage, learned counsel for the petitioner submits that the above order of summoning of Vipin Goel as an additional accused is a subject matter in the CRR-1300-2019, preferred by him and the operation of the said order has been stayed by this Court. He submits that the said petition is still pending before this Court and therefore, trial is likely to consume considerable time. It is further pointed out that the said accused (Vipin Goel) has been granted the concession of anticipatory bail by this Court vide order dated 18.07.2019.

Considering the above background and the fact that the trial of the case is likely to consume considerable time, this Court does not find any reason to further detain the petitioner behind the bars, particularly when the material witnesses have been examined. The remaining witnesses are official witnesses, therefore, there is no possibility of their being won over. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

12.02.2020

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No