

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1424-2021
Date of Decision : 06.04.2021

Seema

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. D.S. Matya, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (*Oral*)

This is a petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 566 dated 16.09.2018 under Sections 302, 328, 201 and 34 of the IPC registered at Police Station Shivaji Colony, District Rohtak, Haryana.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant-Suresh Kumar, it is stated that his daughter Anju was married to Kunal in 2008 and 02 children were born out of that wedlock. Kunal is working in Haryana Roadways and he along with his mother-in-law namely Sarita and father-in-law namely Lajpat Rai in connivance with each other killed his daughter Anju and later on, she was hanged.

Learned counsel for the petitioner further submits that the petitioner was not named in the FIR, however, during investigation her name surfaced with the allegations that she was having an illicit relation with Kunal.

Learned counsel for the petitioner further submits that the petitioner is in judicial custody for the last about 02 years 05 months and 26 days and is not involved in any other case.

Learned counsel for the petitioner further submits that during the course of trial, PW-3 namely Tarun Kumar i.e. brother of the deceased appeared and stated that deceased was suffering from depression and mental disease and was given treatment by Kunal and his family members and due to depression, she committed suicide in the intervening night of 15/16.09.2018. This witness was declared hostile as he even denied having made a statement Ex.P3 in which he has stated that Kunal was having an illicit relation with a lady of Bahadurgarh (petitioner), though the petitioner was not named in the statement.

Learned counsel for the petitioner further submits that similar is the statement made by the complainant Suresh Kumar, who is father of deceased Anju, who appeared as PW-1. This witness was also declared hostile and in the cross-examination he even denied in giving complaint Ex.P1 to the police. During cross-examination by the Public Prosecutor, this witness further stated that it is incorrect to suggest that Kunal was having illicit relation with Seema (petitioner).

Learned counsel for the petitioner further submits that in view of the aforesaid statements made by father and brother of the deceased, it will be a matter of trial whether any evidence worth conviction has come on record against the petitioner or not.

Learned State counsel has filed an affidavit of the Investigating Officer and as per the same, the allegations against the petitioner were that co-accused Kunal i.e. husband of deceased Anju was in contact with the petitioner and, therefore, she was nominated as an accused.

I have heard learned counsel for the parties.

Without commenting on the merits of the case and considering the fact that petitioner is in long judicial custody for the last about 02 years 05 months and 26 days and is not involved in any other case and also in view of the fact that prosecution witnesses have not supported the case even qua co-accused Kunal, the instant petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

06.04.2021

Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No