

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

228

**CRM-M-13217-2020 (O&M)
Decided on : 14.01.2021**

Suman

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Tanvir Singh Grewal, Advocate
for the petitioner(s).

Mr. Rajiv Goel, DAG, Haryana
assisted by ASI Harish Kumar.

Mr. Digvijay Singh Yadav, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

Instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 22, dated 03.02.2020, under Sections 302, 120-B, 201, 34 IPC (Sections 120-B & 201 IPC added later on), registered at Police Station Rampura, District Rewari.

Learned counsel for the petitioner submits that the petitioner, who is the wife of the deceased Vicky, has been falsely implicated in the case in hand, which was registered after 22 months of the occurrence in question and that too on the basis of a confession allegedly made by co-accused Manoj @ Choti before the police, in another case i.e. FIR No. 35, dated 27.01.2020, under Section 25(1-B)a of the Arms Act, lodged at Police Station Sector 53, Gurugram, wherein, he stated that he along with co-accused Vikram had strangulated the deceased Vicky under the influence of liquor. Further

contends that during his interrogation in the instant case, accused Manoj @ Choti suffered a disclosure statement, wherein, he disclosed that the deceased suspected one Anish to be having illicit relations with the petitioner (i.e. wife of the deceased Vicky) and as a result thereof, all the accused including the petitioner conspired to eliminate him. The Learned counsel has vehemently argued that the story put forth by the prosecution on the face of it is self contradictory, inasmuch as, on the one hand accused Manoj @ Choti confessed before the police that he along with Vikram had strangled the deceased under the influence of liquor following a spat between them and on the other hand a conspiracy theory has been set up by the prosecution on account of an alleged extra marital affair between the petitioner and one Anish. It has been lastly contended that in the absence of any autopsy having been conducted on the dead body of the deceased Vicky coupled with the fact that at the time of his death, no report was made to the police or even suspicion raised by the complainant mother *qua* any foul play, cause of death remains a mystery.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Harish Kumar, has conceded that at the time of death of deceased Vicky, the complainant had not moved any complaint with respect to any foul play nor was there any postmortem report annexed with the challan from which the cause of death of the deceased could be ascertained. He has submitted that challan was presented on 02nd May, 2020 and charges are likely to be framed in the near future.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the

prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 14, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*