

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.18976 of 2021

Date of Decision: 26.05.2021

(Heard through VC)

Sunita

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sandeep Gahlawat, Advocate,
for the petitioner.

Mr. Vishal Kashyap, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.368 dated 26.06.2020 under Section 346 IPC (Sections 302, 202, 201, 364, 34 IPC added later on) registered at Police Station City Hansi, Police District Hansi in District Hisar.

Learned counsel for the petitioner herein would allege that the FIR came to be registered on a statement given by one Swaroop Singh that his son is missing and that he may be searched for. Subsequent to the said statement, a supplementary statement was recorded on 03.07.2020 wherein it was stated that Bharat s/o Sant Ram and Rajender s/o Balwan, who is the son-in-law of Sant Ram, are the persons who had connived with their other companions to kill his son. Counsel would argue that the petitioner is the mother of Bharat and wife of Sant Ram and Sant Ram is none other than the brother of Swaroop Singh. It is further stated that she came to be nominated as an accused and arrested thereafter on an alleged disclosure statement given by Bharat on 04.07.2020. It is argued that even on reading of the said disclosure statement, it cannot be held against the petitioner herein and limits the role of the petitioner to an advice given by her asking the co-accused to run away from the spot. It is submitted that on a reading of the disclosure

statement also would not reflect that the petitioner herein had assisted in the disposal of the body. Learned counsel for the petitioner prays that since the matter stands investigated and the challan presented, her custody would no longer be required in the aforesaid matter.

Learned counsel appearing for the respondent-State opposes the grant of regular bail to the petitioner by contending that the FIR has been registered under Section 302 IPC apart from other sections but is not in a position to dispute that the matter stands investigated and the charges have already been framed as far back as 03.03.2021.

I have heard learned counsel for the parties and have perused the pleadings of the case as well as the disclosure statement and deem it appropriate to allow the petitioner herein who is female aged 60 years, the benefit of regular bail keeping in view the fact that owing to the COVID-19 pandemic, the trial is likely to take some time to conclude and no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/ surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case. Any opinion given is only for the purposes of regular bail.

(JAISHREE THAKUR)
JUDGE

26.05.2021
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No