

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

Criminal Misc.-M No.24305 of 2021
Date of Decision: September 20, 2021

Dhanwanti

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ankit Chahal, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.594 dated 20.07.2018, under Sections 364, 302, 120-B and 201 IPC, 1860, registered at Police Station, Sonapat City, District Sonapat, who is in custody since her arrest on 16.09.2018.

The above FIR was registered on the complaint of Ravi Rana, wherein it was stated that his daughter Suraksha along with her husband Rajiv and mother-in-law Dhanwanti Devi used to reside in House No.390, Housing Board Colony on rent. One week back, they had a talk on the mobile Nos.9467075503 and 9034747698, which belong to his daughter and thereafter these phones are switched off. On 20.07.2018, he and his wife Santosh visited Sonapat and on enquiry, it was revealed that Suraksha had been missing since Saturday and Dhanwanti and Rajiv along with her second son Sonu and his wife Neelam were living in a house near police

line in a colony along with one year old child of Suraksha. As Rajiv is a criminal type of person, we are sure that he in collusion with his mother, brother and bhabhi, might have committed some untoward incident with their daughter. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that as per allegations, victim (Suraksha) went missing and the complainant (father of Suraksha) suspected that she was killed by the accused persons. According to the learned counsel, petitioner Dhanwanti is mother-in-law, who used to reside with her younger son Sonu and the alleged act of causing death of the victim has been attributed to victim's husband Rajiv (proclaimed offender) and his two friends, namely, Deepak and Sumit (co-accused). He submits that the dead body of the victim was found in a decomposed condition and no DNA report has been filed before the court till date. According to him, the material witnesses, i.e., Ravi Rana and Surender have already been examined, therefore, the further custody of the petitioner may not be necessary. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ESI Mahinder, who has argued that the petitioner was also involved in the crime and motive has been attributed to her. However, according to him, co-accused Deepak had suffered a disclosure statement narrating the occurrence and the alleged act of homicidal death is attributed to other co-accused persons. He, on instructions, further states that out of total twenty five prosecution witnesses, eighteen witnesses have been examined so far and seven witnesses are left to be examined.

After hearing the learned counsel for the parties, considering the above background, custody of the petitioner and the fact that the

material witnesses have been examined, this court is of the opinion that the further custody of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody after her arrest on 16.09.2018. Further, the prosecution is yet to examine its remaining seven witnesses and it may take considerable time to conclude the trial.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and 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/CJM/Duty Magistrate, Sonapat.

September 20, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No