

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-28466-2021 (O&M)
Date of Decision:-7.9.2021

Pinki ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sunil Kumar, Advocate and
Mr. Dharmesh Kumar, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Virender.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against her vide FIR No.0094 dated 22.3.2020 at Police Station Industrial Sector 29, Panipat, Haryana under Section 302 of Indian Penal Code.
2. The FIR was lodged at the instance of Anil, wherein it is alleged that his brother Durgesh was working on a machine in Paliwal Abhitext Factory. On 21.3.2020 while he was going for his work to the factory, then somebody due to personal enmity, murdered his brother with the help of a knife.
3. While the aforesaid FIR was lodged on 22.3.2020, the complainant made a supplementary statement on 22.5.2020 (Annexure P-5), wherein he stated

that marriage of his brother Durgesh was solemnized in the year 2019 with Pinki. However, the complainant and other members of his family later came to know that Pinki was having a love affair with Dushyant, who was not happy with Pinki's marriage. It is alleged that Dushyant had even threatened the complainant over the telephone and that the petitioner strongly suspects that his brother Durgesh has been murdered by Dushyant while conspiring with his friends Vishal and Parveen.

4. Learned counsel for the petitioner submits that the petitioner is neither named in the FIR nor any specific role is attributed to her in the supplementary statement and that, in these circumstances, the petitioner deserves the concession of bail. Learned counsel has also referred to an application dated 31.8.2020 (Annexure P-4) filed on behalf of the prosecution, wherein while stating that there is no strong evidence against Smt. Pinki (petitioner), a request for conducting polygraph test has been made.
5. On the other hand, learned State counsel has submitted that in the instant case, the evidence collected by the police clearly points towards the involvement of the petitioner inasmuch as she was having an extra marital affair with Dushyant as would be evident from a large number of telephone calls exchanged between the petitioner and Dushyant. It has been submitted that infact the petitioner was having friendship with Dushyant even before marriage. Learned counsel has submitted that during investigation call-details from the period 1.9.2019 to 16.3.2020 have been collected, which are about 900 in number.

6. Learned State counsel has further submitted that when application dated 31.8.2020 (Annexure P-4) was moved, at that time the prosecution did not have access to the said call-details record. It has been submitted that a mere averment in an application by the Investigating Officer that there is no direct strong evidence against the petitioner cannot be taken to be gospel truth particularly when there is definite evidence regarding there being a large number of calls exchanged between Pinki (petitioner) and Dushyant, indicating that there was an affair between the petitioner and Dushyant. Learned State counsel has further pointed out that in the disclosure statement made by the petitioner, she has specifically disclosed that even on 17.3.2020, she had made a call first to her husband and immediately thereafter to Dushyant through the mobile phone of her father and infact the said calls were made to inform Dushyant about the location of the deceased. It has been submitted that even the said calls have been duly verified from the call-details record and which would clearly nail the complicity of the petitioner.
7. I have considered rival submission addressed before this Court.
8. No doubt it is a case of blind murder and there is no direct eye witness to the occurrence, but the evidence collected by the prosecution during the course of investigation clearly points out towards the involvement of the petitioner particularly as a conspirator as she was having a love affair with Dushyant and apparently wanted to eliminate her husband. The large number of telephone calls exchanged between the petitioner and Dushyant are a clear indicator to her involvement. Learned State counsel has explained that infact the petitioner has furnished details about the work place of her husband so as to facilitate the commission of crime.

9. Having regard to the aforesaid facts and circumstances, the involvement of the petitioner is clearly evident. As such, at this stage, when no prosecution witness has been examined, this Court does not find any special case for grant of bail. The petition is sans merit and is hereby dismissed.

7.9.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No