

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

215

CRM-M-32083-2021

Date of Decision : September 16, 2021

RADHA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Ashish Grover, Advocate
for the petitioner.

Mr. B.S.Sewak, Addl. A.G., Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.53 dated 10.7.2020 under Sections 302, 34 IPC (120-B and 201 IPC added later on), Police Station Thermal, Bathinda.

As per the FIR, which was lodged at the instance of one Ami Chand s/o Ram Ji Lal, r/o Phoola Colony, Adarsh Nagar, Bathinda by alleging that his son, namely, Johny who is about 30 years of age has got married about 7 years back with the petitioner, namely, Radha and his son used to work as a Sweeper in two houses. On 10.07.2020 at 4.30 AM when his son went on bicycle by saying that he is going first at Balla Ram Nagar and then at 10.00 AM some one informed that the body of his son was lying in the vacant plot in Mandir Colony on the side of the pond. Thereafter the name of the petitioner was nominated on the basis of

supplementary statement of the complainant Ami Chand on 11.07.2020.

Learned counsel for the petitioner has submitted that in the present case the petitioner is a lady of 29 years of age and is having 2 minor children has been falsely implicated and she is facing incarceration from 11.07.2020 which is more than one year and out of 13 prosecution witnesses 7 have already been examined including the complainant and other material witnesses. He further submitted that vide Annexure P-2, the complainant Ami Chand has already been examined but he has not supported the prosecution version and was declared hostile. He submitted that there is no sufficient evidence available to connect the petitioner with the alleged crime and since the material witnesses have already been examined, no useful purpose will be served by keeping the petitioner, who is a young lady, in custody for a longer time. He further submitted that the petitioner is not involved in any other case and, therefore, she may be considered for the grant of bail.

On the other hand Mr. Sewak, learned Addl. A.G. Punjab has submitted that it is correct that the petitioner is in custody since 11.07.2020 which is more than one year and all the material witnesses have been examined including the complainant who has not supported the prosecution version. He has also not disputed that the petitioner is not involved in any other case. However, he has stated that since the matter was serious in nature, he has opposed the grant of bail.

I have heard the learned counsels for the parties.

The custody period of the petitioner is not disputed and it is also not disputed that all the material witnesses have been examined and

only official witnesses are left. The complainant on whose supplementary statement the name of the petitioner was nominated has not supported the prosecution version while deposing as PW1 and another witness PW2, namely, Sanjay also has not supported the prosecution version. The petitioner is a young lady of the age of 29 years and is having 2 minor children. She is not involved in any other case and she is not a habitual offender. Furthermore, it is not the case of the State that in case the petitioner is released on bail then she may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, without commenting upon the merits and circumstances of the present case, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

(JASGURPREET SINGH PURI)
JUDGE

September 16, 2021
ajay-1

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No