

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

CRM-M-30357 of 2020.

Decided on:- January 08, 2021.

Premwati.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Deepkaran Dalal, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

Mr. Amit Chaudhary, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.625 dated 12.08.2019 under Sections 302, 201 and 120-B read with Section 34 IPC registered at Police Station Sadar Palwal, District Palwal.

The aforesaid FIR was registered on the basis of a statement made by complainant Bir Singh. As per the FIR, on 12.08.2019, the complainant reported to the police regarding murder of his wife Bishan Devi.

In his statement, the complainant stated that at about 11.00 P.M. he and his

wife had slept and at about 04.00 A.M. when he woke up, he found his wife missing from her bed. He tried to know about her whereabouts, but to no avail. At about 09.00 A.M., his neighbour told that someone's hand was seen in the garbage lying in the old school when she had visited the said place to tie her buffalo. The complainant suspected that some unknown person killed his wife despite the fact that they had no enmity or dispute with anyone in the village.

Learned counsel for the petitioner has argued that the petitioner has been roped in the present case on the basis of a disclosure statement made by co-accused Narender before the police, which is not admissible in evidence. The petitioner is an innocent lady and has been made a scapegoat by her in-laws by falsely implicating her in the alleged crime. The petitioner was arrested after about 2 months of registration of the FIR. The recovery of an ear ring and a mobile phone at the instance of the petitioner is manifestly false and implanted. Even otherwise, the alleged recovery is not sufficient enough to connect the petitioner with the crime.

He has further submitted that the petitioner is in custody since 08.10.2019 and the trial is not likely to be concluded in near future. The petitioner is a lady and a mother of 2 children, who are now living with their grandparents, who are unable to look after the children.

Learned State counsel has argued that there are serious allegations against the petitioner to the effect that on the intervening night of 11/12.08.2019, Bishan Devi (deceased) was strangled to death by the petitioner and co-accused Narender in order to remove the deceased out of their way, as both of them were having love affair. The name of petitioner has

been disclosed by co-accused Narender, who made an extra-judicial confession before his uncle on 06.10.2019 and therefore, recoveries of incriminating articles have been effected from co-accused Narender as well as the petitioner. It was on 12.08.2019, the dead body of Bishan Devi (deceased) was recovered under the earth in a deserted school in a burnt condition under mysterious circumstances. Therefore, the petitioner is not entitled for bail.

I have heard learned counsel for the parties.

There is no dispute that the petitioner has been named as an accused on the basis of extra-judicial confession made by co-accused Narender. However, considering the seriousness of allegations levelled against the petitioner that she along with co-accused Narender had strangled Bishan Devi (deceased) to death, whose dead body was recovered on 12.08.2019 under the earth in a deserted school in burnt condition, this Court does not find any reason to admit the petitioner on bail.

The present petition is, accordingly, dismissed.

January 08, 2021

Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No