

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

CRM-M-41576-2021 (O&M)
Date of Decision:-11.11.2021

Meena Devi ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Bipan Ghai, Senior Advocate with
Mr. Paras Talwar, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Vinod Kumar.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

CRM-36825-2021

In view of the reasons mentioned in the application, the same is allowed and the documents annexed with the application are taken on record as Annexures P-7 and P-8.

CRM-M-41576-2021 (Main Case)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.34 dated 20.2.2019 at Police Station Dujana, District Jhajjar under Sections 302, 452, 120-B of Indian Penal Code and Sections 25-54-59 of Arms Act.

2. The FIR was lodged at the instance of Meena Devi (petitioner herself), wherein it is alleged that she has a son namely Parmod @ Monu, who was working as a bouncer in Gurgaon and Faridabad. It is alleged that on 18.2.2019 at about 6:30 p.m. when she alongwith her son Parmod @ Monu was sitting in the courtyard of their house, her son received a telephone call and the caller said that he would teach a lesson to complainant's son. It is further stated therein that on 20.2.2019 at about 4:30 a.m. the complainant's son woke up from bed and went towards the gate. Later she heard sound of gunfire shot and when she went out, she saw that her son Parmod @ Monu had been hit on the chest and on account of which he died at the spot.
3. Learned counsel for the petitioner submits that the FIR infact was lodged at the instance of the petitioner herself but subsequently during the course of investigation, the police has given a twist to the case and has roped in the petitioner herself as an accused. Learned counsel has further submitted that, in any case, even if the case of the prosecution as regards the alleged illicit relationship between the petitioner and one Pardeep is accepted to be true, still the disclosure statement of the accused Sourab recorded in the first instance would show that it is co-accused Pardeep, who had got petitioner's son eliminated as he had come to know about the alleged illicit affair. It has further been submitted that no mother would get her own son killed and that, as such, it is apparent that the petitioner has been falsely implicated.
4. On the other hand, learned State counsel has submitted that though co-accused Sourab did not name the petitioner to be a co-conspirator in his initial disclosure statement but subsequently he has stated clearly that the deceased had been got murdered at the instance of Pardeep and the petitioner. Learned State counsel has further submitted that to a similar effect are the

disclosure statements of other co-accused namely Sonu and Pardeep. It has further been submitted that even the sister of the deceased has also stated that her mother i.e. the petitioner was having an illicit affair with Pardeep. Learned State counsel has thus submitted that in view of the aforesaid disclosure statements, no case for grant of bail is made out. It has, however, been informed that the petitioner as on date has been behind bars since the last about 2 years and 7 months and that she is not involved in any other case. It has further been informed that as on date only 4 out of the cited 36 PWs have been examined.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that it is a case of blind murder and that the prosecution mainly banks upon the disclosure statements of the co-accused. The petitioner, who is a lady, has been behind bars for a substantial period of about 2 years and 7 months and is not stated to be involved in any other case. Without commenting anything as regards merits of the case but while noticing the substantial custody period, further detention of the petitioner will not serve any useful purpose particularly when conclusion of trial is likely to consume time as only 4 out of the cited 36 PWs have been examined so far. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

11.11.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No