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

**CRM-M-43372-2020 (O&M)  
Date of decision-06.01.2021**

**Shama Parveen**

**....Petitioner**

**Vs.**

**State of Haryana**

**...Respondent**

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. K.S.Jetley, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

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**MANOJ BAJAJ, J.**

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.6 dated 07.01.2019 registered under Section 302 read with Section 34 Indian Penal Code, 1860, Police Station Chandimandir, District Panchkula. The petitioner is in custody since her arrest on 08.01.2019.

The FIR was registered on the statement of Narender Singh son of Sh.Jagdish, wherein it was alleged that complainant used to run a Hotel at Raipur Rani road, which was lying closed for the last one month. On 06.01.2019, at about 06.15 p.m., when he reached near his hotel, he noticed one motorcycle driven by young man with a lady pillion rider, leaving the hotel at a very high speed and went towards Raipur Rani. On suspicion, complainant checked his hotel and found a dead body lying on the back-side

of his hotel. Blood was oozing out from the dead body and a without number black colour motorcycle was also found near the dead body. It was suspected that murder was committed by the above-said motorcyclist. On these broad allegations, the FIR was registered.

Learned counsel for the petitioner contends that prosecution case is based on circumstantial evidence and the petitioner is in custody for last two years. He has pointed out that the case of the prosecution is based upon the confessional statement of the petitioner and the said evidence may not be admissible and further as the material witnesses have been examined, including the complainant, therefore, further custody of the petitioner, who is a lady, may not be necessary. He prays that the petitioner be released on bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Maan Singh has opposed the prayer on the ground that the petitioner along with her co-accused committed murder of her husband, namely, Islam. He submits that out of total 22 prosecution witnesses, only 09 witnesses have been examined including the complainant.

After hearing the learned counsel for the parties and considering the stage of the trial, this Court finds that still 15 witnesses remain to be examined on behalf of the prosecution. The remaining witnesses are the police officials and there does not seem to be any possibility of their being won over, therefore, considering the custodial period of the petitioner, this Court finds it to be a fit case for grant of regular bail as the trial may consume considerable time to conclude because of the outbreak of pandemic COVID-19 in the region. Presently, the petitioner is confined in judicial custody since her arrest on 08.01.2019, and her further detention may not be

Resultantly, without meaning any expression of opinion on the merits of the case, 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 concerned.

The petition is allowed.

06.01.2021

vanita

Whether speaking/reasoned :

Whether Reportable :

Yes

Yes

No

No

(MANOJ BAJAJ)

JUDGE