

CRM-M-35679-2019 (O&M)

THROUGH VIDEO CONFERENCE

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

**CRM-M-35679-2019 (O&M).
Decided on: September 22, 2021.**

Anju

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Pardeep Sihmar, Advocate, and
Mr.Sidhant Mehra, Advocate, (Legal-aid-counsel)
for the petitioner.**

Mr.Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.37 dated 17.02.2019, under Sections 302 and 120-B IPC, registered at Police Station Uklana, District Hisar.

The FIR in the present case (Annexure P-1) was lodged on the basis of statement of one Ravi Kant son of Rajpal who stated that his brother namely Pawan is married to Anju (petitioner) daughter of Tek

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Chand. His brother was working as a driver in Gas Agency at Barwala, District Hisar where Pawan's friend Kuldeep used to visit his house and said Kuldeep and the petitioner were having illicit relations with each other. Since his brother Pawan was not happy with that relationship, number of times disputes had arisen between them. Thereafter on 13.2.2019, the deceased Pawan left his wife Anju (petitioner) for the parental house of Anju. However, on 16.2.2019, he came to know that deceased Pawan has committed suicide by hanging. However, as per the complainant Pawan was hanged after being murdered.

Mr.Sidhant Mehra, Advocate, appearing on behalf of the petitioner has submitted that he has been entrusted this case by the Registrar General of this Court to provide legal-aid. He has submitted that the petitioner is a lady and is facing incarceration for the last about 2½ years as she is in custody since 3.4.2019. He has further submitted that the charges in the present case were framed on 2.7.2020 which also more than two years but till date no prosecution witness has been examined. He has further submitted that the petitioner was falsely implicated in the present case as the allegations contained in the FIR qua the petitioner are false. He has further submitted that the trial of the case has not commenced even after framing of charges on 2.7.2020 and therefore, the petitioner may be considered for the grant of regular bail.

On other hand, learned State counsel has submitted that it is correct that the petitioner is in custody since 3.4.2019 and after framing of charges on 2.7.2020, no witness has been examined.

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I have heard the learned counsel for the parties.

The petitioner who is a lady is facing incarceration for the last more than 2½ years and more than two years have elapsed after framing of the charges, but no witness has been examined. There is no justification coming forward in this regard from the State. 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 tamper with evidence or may flee from justice.

Therefore, considering the totality of circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner. Accordingly, the present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

Pending misc. application, if any, shall also stand disposed of accordingly.

September 22, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No