

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

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CRM-M-46617-2021 (O&M)

Date of Decision: 02.12.2021

Sushila

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. D.R.Bansal, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Balwan Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against her vide FIR No.83 dated 19.03.2021 at Police Station Uchana, District Jind, under Sections 302/201 IPC and Section 25 of the Arms Act.
2. The FIR in question was lodged at the instance of Mandeep (husband of the petitioner), wherein it is alleged that in his family apart from his wife Sushila (petitioner), his daughter Manshu, aged about 4 years and his mother Roshni, aged about 60 years are also residing with him since the last about 3 years. It is alleged that on 15.03.2021, he went from his home to Delhi in connection with his work. At about 6:00 PM, he received a telephonic call from his maternal uncle that his mother has some heart problem and asked him to return back quickly. When the complainant returned back

to his home, he found that several persons from neighbourhood and his relatives had gathered in front of his house and saw that his mother was lying on bed and her clothes were soaked with blood and there was a deep injury on the neck of his mother. There were other injuries as well on her chest and abdomen. The almirah in the room was found open and all the articles were found scattered. However, no article was found missing. It is further stated therein that the complainant was informed that blood stained clothes of his wife had been washed and were being dried. The complainant, thus, prayed therein that an enquiry may be conducted as regards the involvement of his wife and if she is not found to be involved in the same, then it may be found as to who had murdered his mother.

3. Learned counsel for the petitioner has submitted that it is a case of blind murder, wherein there is no witness to the alleged occurrence and the petitioner has been involved on the basis of suspicion. It has been submitted that the material witnesses pertaining to the circumstantial evidence have resiled. Learned counsel in this regard has referred to the deposition of PW-1 Mandeep (complainant). A perusal of the said deposition shows that he has not expressed anything against the petitioner and has categorically stated that the accused present in Court through VC had not murdered his mother. Learned counsel has also referred to the testimony of PW-2 Jai Kumar, who according to the prosecution had sold the knife to the petitioner with which the murder had

allegedly been caused. However, a perusal of his statement shows that he has specifically and categorically stated that the petitioner had never purchased any knife from his shop and that he has seen her for the first time through VC. Learned counsel has also drawn the attention of this Court to the deposition of PW-3 Rajbir, husband of the deceased, who has also not supported the case of the prosecution.

4. On the other hand, learned State counsel has submitted that since there are some CCTV footages indicating that the petitioner around the time of occurrence had entered into the house while carrying a bag, it is clearly evident that she was carrying some weapon in the bag and had committed the murder. It has been submitted that the deceased was found to be having 17 injuries and the petitioner, who is also residing in the same house was expected to come out with a genuine and valid explanation for death of his mother-in-law and in such circumstances, Section 106 of the Evidence Act would come into play. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 8 months and that she is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Without commenting anything as regards the merits of the case, but while noticing that it is a case based on circumstantial evidence and that material witnesses have resiled and also that the petitioner

is a lady, who is not stated to be involved in any other case, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. 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.

02.12.2021

Vimal

**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**