

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

**CRM-M No. 9734 of 2021 (O&M)
Date of Decision: 23.11.2022**

Monika

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Manoj Pundir, Advocate
for the petitioner.

Mr. Kiran Pal Singh, Assistant Advocate General, Haryana

Mr. Sunny Tyagi, Advocate
for the complainant.

MAHABIR SINGH SINDHU, J.

1. Present petition has been filed under Section 439 of Criminal Procedure Code for seeking regular bail, pending trial in FIR No. 342, dated 24.11.2018, under Section 346 of the Indian Penal Code, 1860 (Sections 201/302/34/365 of IPC added later on), registered at Police Station Israna, District Panipat.

2. Above FIR was registered on the basis of application moved by complainant-Sunita who reported that her son Vivek @ Chetan had not returned from the shop of Amit where he works till the evening of 23.11.2018. A complaint was also made by his father, namely, Suraj Parkash, alleging that the dead body of his son wrapped in a plastic katta / bag was found. Further alleged that on 23.11.2018, Sunil son of Ishwar, resident of Village Lohari had taken his son and

Sunil, Satish and **Monika wife of Sunil (petitioner herein)** murdered

his son.

3. This Court, on 26.08.2021, granted interim bail to petitioner in the following manner:-

“ Contends that petitioner is in custody since 07.12.2018 and after 07.11.2019 there is no progress in the trial as none of the prosecution witnesses has been examined so far. Also contends that petitioner is having three minor children and there is none else to look after them.

Learned State counsel seeks time to verify the above factual position.

Posted on 12.11.2021.

Keeping in view the custody of petitioner, let she be released on interim bail in this case on her furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. ”

4. Learned counsel for the petitioner submits that after grant of interim bail, she has been regularly appearing before the Court below, but there is no progress of trial at all. Also contends that there is no apprehension or allegation that in case, petitioner is granted bail, there would be any threat to the prosecution witnesses or same is likely to hamper the trial in any manner.

5. Learned State Counsel, on instructions from concerned quarter, does not dispute the above factual position; rather acknowledged that proceedings are going on smoothly and out of 20 prosecution witnesses, six (06) have been examined.

6. Learned counsel for complainant is also not disputing the above factual position except contending that offence is very serious.

7. Since petitioner was released on interim bail and she is regularly appearing before the learned trial Court, and there is no allegation that she has misused the concession in any manner.

8. In view of the above, this Court is of the opinion that sending the petitioner in custody at this stage would not serve any purpose.

9. Consequently, present petition is **allowed**. Interim bail granted to the petitioner, vide order dated 26.08.2021, is made absolute. She shall be admitted to regular bail on her furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10. Petitioner shall fully co-operate before the learned trial Court without seeking any unnecessary adjournments.

11. Above observations may not be construed as an expression of opinion on the merits of the case.

12. Also clarified that in case there is any misuse of concession by the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

November 23, 2022

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes / No</i>
<i>Whether Reportable</i>	<i>Yes / No</i>