

(226) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10570-2022

Date of Decision: 04.04.2022

Munni

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Neeraj Saini, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

JASJIT SINGH BEDI, J.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No.0083 dated 29.02.2020 registered under Section 302 and (Section 120-B IPC added lateron) at Police Station Kharkhoda, District Sonipat (Annexure P-1).

The learned counsel for the petitioner states that the petitioner was not named in the FIR. She was arrested on the basis of suspicion. He further states that the witness Mohit son of the deceased-Dharam Raj was examined and has not supported the case of the prosecution having turned hostile. He further states that all the material witnesses have turned hostile. A perusal of the evidence recorded would show that the material witnesses namely complainant-Dharmender, who is nephew of the deceased, Mohit who is son of the deceased and Amit son of Braham Parkash have turned hostile. He, thus, contends that as on date the possibility of conviction of the

petitioner is very unlikely and the question of tampering with the evidence does not arise as all the material witnesses have already been examined. He also submits that Sandeep co-accused has been granted the concession of regular bail vide order dated 10.02.2022.

Per contra, the learned State counsel while admitting that the witnesses have turned hostile contends that the recovery of blood stained clothes of the accused and wallet of the deceased were effected from the co-accused of the petitioner namely Sandeep. However, he admits that Mohit, the witness to the said recovery memos has turned hostile.

I have heard learned counsel for the parties.

Admittedly, all the material witnesses have been examined and have turned hostile. The Hon'ble Supreme Court in Dr. Gokarakonda Naga Saibaba v. State of Maharashtra; 2016 (2) R.C.R. (Criminal) 675 granted bail to the accused after all the material witnesses have been examined. The said judgment has been relied upon by this Court in CRM-M-27957-2015; decided on 22.08.2016 titled as Devender Singh @ Devender Chhabra @ Tintu v. State of Punjab. The case of the petitioner is, therefore, on a similar footing.

The co-accused Sandeep has been granted bail vide order dated 10.02.2022 titled 'Sandeep Vs. State of Haryana in CRM-M-5054-2022'.

Resultantly, without meaning to express any opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner-Munni be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Sonapat.

The observations made herein are only for the purposes of deciding this petition and the trial Court shall decide the case based on the evidence lead before it uninfluenced by any observations made herein.

(JASJIT SINGH BEDI)
JUDGE

04.04.2022
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No