

Sr. No.210

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

CRM No.M-13707-2022(O&M)

Date of decision: 01.06.2022

Smt. Santra Devi

...Petitioner

Vs.

State of Union Territory, Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Anmol, Advocate,
For the petitioner.

Mr. Rajeev Anand, APP, UT., Chandigarh

ARUN MONGA, J. (ORAL)

This is second foray of the petitioner before this Court, seeking regular bail in FIR No.129dated 17.06.2019, registered under Section 302 read with Section34 IPC, at Police Station IT Park, Chandigarh as the earlier one having been dismissed as withdrawn on 08.09.2020.

2. Per FIR, on 17.06.2019, complainant received a wireless message from Police Station that a lady is in serious problem at House No. 1315, NIC, Manimajra. Upon reaching there, doors of the ground floor and first floor were found locked. The complainant upon reaching the second floor saw the door closed. The complainant pushed the door and saw a young boy holding a piece of cloth wrapped around the neck of a lady, who was lying on the floor, one old man sitting on the ground by holding the legs of the victim and one lady (petitioner/accused) sitting on the head side by holding both the arms of the victim. Upon inquiry, the said persons disclosed their names as Mukesh Kumar, Sita Ram and Santra Devi (petitioner). Lady lying on the

floor was found to be dead. FIR was registered. The petitioner was arrested and is in custody since 17.06.2019.

3. Learned counsel for the petitioner submits that petitioner is of more than 63 years of age and is suffering from various ailments of spinal cord, knee joint pain and gynecology issues. Petitioner has been in custody for more than 2 years and 11 months.

4. Learned counsel for the petitioner further submits that Challan has already been presented on 13.09.2019 and the charges have also been framed on 22.01.2020. Prosecution testimonies are underway and conclusion of trial will take long time and no useful purpose would be served by keeping the petitioner behind the bars.

5. *Per contra*, learned State counsel opposes the bail plea. He submits that role attributed to the petitioner is that she caught hold of both the arms of the victim while the co-accused was strangulating her with a help of cloth and thereafter killed her with the help of a scissor. Even the version of the prosecution is supported by the bloodstains found on the clothes of the petitioner/accused Santra Devi which were sent to CFSL, Sector 36 Chandigarh, which upon examination matched the blood of the deceased (Lalita). He further submits that matter is pending for prosecution evidence and there are total 34 prosecution witnesses out of which 03 have been examined. Supplementary challan has also been presented against the petitioner wherein the report of CFSL has been presented. The next date of hearing before the learned trial Court is 02.06.2022 for examination of prosecution witness.

6. I have heard the rival contentions of the respective learned counsels.

7. Having heard learned counsel for the petitioner and learned State counsel, no ground is made out to grant any benefit to the petitioner, at this stage. However, trial Court shall not grant any unnecessary adjournments and the petitioner is at liberty to approach the learned Sessions Court after the completion of recording of prosecution testimonies and Court below is also at liberty to entertain the bail petition, if moved and pass fresh orders, as it may deem fit, without being influenced by the declining of earlier or instant bail petition by this Court.

8. Disposed of accordingly.

(ARUN MONGA)
JUDGE

June 01, 2022
Vandana

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No