

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

**CRM-M-19335-2022 (O&M)
Date of decision: 25.05.2022**

Nisha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Tarundeep Kumar, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 66 dated 23.5.2019 registered under Sections 302 IPC read with Section 34 IPC, at Police Station Koom Kalan, District Police Commissionerate Ludhiana. The first bail petition was dismissed as withdrawn on 04.10.2021.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case, being the wife of Vakil Chand, who was found dead in his house on 23.05.2019; that the petitioner along with her four children, went to her parental home on 21.05.2019 after a quarrel with her husband, and when her husband committed suicide, she was not there and that the petitioner has been in custody since 23.05.2019.

He further submits that the petitioner is a lady and having four children, out of which her elder daughter is married and three children are now residing with the parents of the petitioner; that the FIR was registered on the complaint of mother of Vakil Chand but there is no eye-witness to the said

occurrence; that the petitioner has been involved on the ground of his confessional statement made before Manjinder Singh Bhola on 26.05.2019 and that the prosecution witnesses are yet to be examined. The petitioner is not involved in any other case.

Learned State counsel, while opposing the prayer for bail submits that there are specific allegations against the petitioner, rather in her confessional statement she herself stated that she had illicit relations with one Jagjit Singh (Driver) with whom she made a plan to eliminate Vakil Chand. However, he does not dispute the custody period of the petitioner and that there is no other case against the petitioner. He submits that out of 23 prosecution witnesses, only 03 have been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 23.05.2019. The petitioner is lady and has to look after her children, who are now residing with her parents. The prosecution witnesses are yet to be examined. The conclusion of the trial would take time. Moreover, there is no other case against the petitioner. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)

JUDGE

25.05.2022

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No