

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

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CRM-M-19306-2022 (O&M)

Date of Decision: 23.08.2022

PINKI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Baljeet Beniwal, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.381 dated 17.10.2019, registered at Police Station Hathin, District Palwal, under Sections 302 and 201 IPC, the first one having been dismissed as withdrawn on 25.01.2022.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that the allegation against the petitioner is that, she being the wife of the Jagbir, had hatched a conspiracy with the co-accused (with whom she is alleged to have an illicit relation), in murdering her husband; that PW-1 and PW-2 (father and brother of the deceased), while appearing as witness before the learned trial Court, have not supported the prosecution version and turned hostile and that the petitioner has been in custody since 23.10.2019.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, she had caught hold the hand of the deceased while co-accused, namely, Nepal was strangulating him. He further submits that some of the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

Though the allegation against the petitioner are serious in nature, yet the fact remains that the petitioner has been in custody since 23.10.2019. PW-1 and PW-2 (father and brother of the deceased) have not supported the prosecution version and turned hostile. Some of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

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

23.08.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

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