

220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17587-2020 (O&M)

Date of decision-08.03.2022

Guddi

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jatin Hans, Advocate for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.349 dated 19.09.2019 registered under Section 302, 34 of Indian Penal Code, 1860 at Police Station Beri, District Jhajjar. The petitioner is in custody since his arrest on 08.10.2019.

The contents of the FIR as noticed by the learned Sessions Judge, Jhajjar in order dated 30.05.2020 reads as under:-

“In brief, present case was registered on the complaint of complainant Kailash S/o Mahipal that he is resident of village Majra Dubaldhan. On 17.9.2019, at about 8.00 pm., while he was present in his house, he came to know that the accused persons namely Manju and Guddi have tied his uncle Phool Singh with a CHARPAI (cot) and they did not allow to anyone to come in their house. On 18.9.2019, he went to attend his job and at about

1.00 pm, when he came to his house, he again came to know that the accused have not yet released his uncle Phool Singh and thereupon, he alongwith his grandmother Sunhari, Ram Kishan and other neighbours went to the house of Phool Singh. Then the accused raised objection for getting released Phool Singh but due to his (Phool Singh's) serious condition, the complainant and other persons got him released and then, Phool Singh said to them that the accused had not provided any food to him. When the complainant party tried to take Phool Singh to the hospital for his treatment, the accused persons did not allow them to do so and stated that they themselves will take him for treatment. In the morning of 19.9.2019, at about 7.00 am, the complainant came to know that Phool Singh has died on account of non-providing food and to keep him hunger while he tied on a cot. On this complaint, formal FIR under Sections 302, 34 IPC was registered.”

Learned counsel for the petitioner has argued that as per allegations by complainant Kailash, victim Phool Singh was tied with cot who died on 18.09.2019. He submits that as per allegations, the victim was an alcoholic, and the accused who are wife and mother-in-law of the victim had tied him to avoid harassment at his hands. According to him, during the trial proceedings, the complainant has been examined, but he has not supported the prosecution case and was declared hostile. He further submits that the trial is likely to consume considerable time, therefore, further custody of the petitioner, who is a lady, may not be necessary. He prays that the petitioner be released on bail during the pendency of the trial.

Learned State counsel assisted by ASI Pritam has opposed the

prayer on the ground that the petitioner has actively participated in the crime and as a result of dehydration, the victim died, who had also suffered other injuries over his body and in this regard, he has referred the postmortem report. However, it is not disputed that out of 20 prosecution witnesses, 6 witnesses have been examined.

After hearing the learned counsel for the parties, this Court finds that as material witnesses have been examined and case of prosecution is based upon circumstantial evidence, the further detention of the petitioner may not be necessary for any useful purpose, as the trial is likely to consume considerable time to conclude. Thus, considering the length of custody of the petitioner, she deserves the concession of the regular bail.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

08.03.2022
geeta

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No