

***Sr. No. 213***  
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**CRM-M No.20106 of 2022**  
**Date of Decision: 29.09.2022**

**Manisha**

**.....Petitioner**

**Vs.**

**State of Haryana**

**.....Respondent**

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

**Present:-** Mr. Gopal Sharma, Advocate,  
for the petitioner.

Mr. Ranvir Singh Arya, Addl.A.G., Haryana.

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**JASGURPREET SINGH PURI, J. (ORAL)**

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.82 dated 11.02.2019, under Section 346 IPC (Sections 302, 364, 201, 120-B & 34 IPC added later on), registered at Police Station Model Town, District Rewari.

It has been submitted by learned counsel for the petitioner that the petitioner is a lady of the age of 36 years and she is in custody since 20.02.2019, which is almost 3½ years. He submitted that 11 witnesses out of 36 have already been examined and the material witnesses have also been examined. He further submitted that even otherwise also the role of the petitioner even as per the prosecution story was that her scooty was used by the other accused namely Anita against whom the allegations were that she was residing along with the deceased person namely Rupesh and under

suspicious circumstances, the dead body of the aforesaid Rupesh was found. Learned counsel further submitted that thereafter number of accused were nominated including Sunil and Naveen Sharma alias Golu and the aforesaid co-accused have also filed bail petitions before this Court, which were allowed on 02.04.2022 (Annexure P-3). He submitted that the aforesaid Anita when deposed as a prosecution witness, did not support the prosecution version and was declared hostile. Learned counsel further submitted that the only role attributed to the petitioner was that her scooty was used. He has further submitted that be that as it may, the petitioner being a lady has faced incarceration for 3 ½ years and the material witnesses have been examined. Even the aforesaid two co-accused have also been granted bail by this Court and therefore, has prayed for the grant of regular bail to the petitioner.

On the other hand, learned State counsel has stated that an affidavit dated 23.07.2022 has been filed by the State and submitted that it is correct that the petitioner is a lady of the age of 36 years and has faced the incarceration of 3½ years. However, he has opposed the grant of regular bail on the ground that the petitioner is main accused and her scooty was used in the crime.

I have heard learned counsels for the parties.

The petitioner is a lady of the age of 36 years and she has faced incarceration for 3½ years and in the trial, 11 witnesses out of 36 witnesses have been examined. Two of the other co-accused have been granted bail vide Annexure P-3. Furthermore, it is not the case of the State that in case the petitioner is released on bail then she may abscond from justice or repeat

the offence.

Therefore, in view of the aforesaid facts and circumstances of the present case and especially considering the long period of custody of the petitioner, this Court deems it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

29.09.2022  
monika

(JASGURPREET SINGH PURI )  
JUDGE

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