

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

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CRM-M-21396-2022

Date of Decision : August 30, 2022

RAJWINDER KAUR @ RAJ

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Rajiv Sharma, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.225 dated 9.8.2020 under Sections 302, 460 read with Section 34 IPC, registered at Police Station Civil Lines, District Kaithal.

It has been submitted by the learned counsel for the petitioner that the petitioner is a lady of the age of 34 years and is in custody from 14.8.2020 which is more than 2 years. He submitted that after the investigation of the case, the trial has commenced and 3 out of the 25 cited witnesses have already been examined out of the 3 witnesses, one is the complainant, namely, Gurpreet Singh and the other 2 are the official witnesses. He further submitted that as per the allegations contained in the FIR, the mother-in-law of the petitioner was murdered and the petitioner is not named in the FIR and as per the FIR it was found that the golden neck chain and various other articles were also missing

from the house. He submitted that it was a case where it appears that she was killed by some persons, who had come to the house but on the basis of suspicion against the petitioner and one other co-accused, namely, Amit that the name of the petitioner and the other co-accused was nominated. He further submitted that be that as it may, no recovery is to be effected from the petitioner who is a lady and has suffered incarceration for about more than 2 years and the trial of the case may take long time and, therefore, she may be considered for the grant of regular bail.

On the other hand, the learned State counsel has submitted that it is correct that the petitioner, who is a lady has faced incarceration for more than 2 years and the complainant and other two official witnesses have already been examined. He has, however, opposed the grant of regular bail to the petitioner on the ground that it is a case where during the investigation it was found that the petitioner alongwith other co-accused, namely, Amit had killed the mother-in-law of the petitioner and, therefore, the matter is serious in nature.

I have heard the learned counsels for the parties.

The petitioner is a lady of the age of 34 years and has faced incarceration for more than 2 years. No recovery is to be effected from the petitioner as per the learned counsels for the parties. The trial has already commenced and the complainant and two other official witnesses have been examined. As per the learned counsel for the petitioner, the petitioner is not involved in any other case. As per the prosecution story itself the name of the petitioner and the other co-accused was nominated

on the basis of suspicion. Furthermore, it is not the case of the State that in case the petitioner is released on bail then she may influence any witness or may tamper with any evidence or may flee from justice.

In view of the aforesaid facts and circumstances of the present case, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

August 30, 2022

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