

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-28089-2021 (O&M)

Date of Decision:-18.11.2022

Anchal Sharma

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rakesh Kumar Lathwal, Advocate with
Mr. Man Mohit, Malik, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.05, dated 14.1.2021, Police Station Sadar Panipat, District Panipat (Haryana), under Sections 302, 120-B of Indian Penal Code, wherein offences under Sections 304-B and 34 IPC were deleted later on.
2. The FIR was lodged at the instance of Sanjeet, brother of deceased Pooja, wherein it is alleged that marriage of his sister Pooja was solemnized with Vikas on 19.9.2019. However, Vikas and other members of his family were not satisfied with dowry and had been harassing complainant's sister so as to press upon their demands of a car and an amount of Rs.5 lakhs. It is alleged that on 12.3.2020, complainant's sister Pooja was beaten by her husband,

father-in-law and brother-in-law in order to press upon their demands of dowry and thereafter a Panchayat was convened, wherein the in laws of Pooja tendered apologies and also assured that they shall not raise any demand in future. However, on 13.1.2021 complainant's father received a telephonic call to the effect that an accident had occurred with Pooja in the fields. Upon hearing this, the complainant and others rushed to hospital, where they came to know that Pooja had been murdered by her husband and other members of his family on account of demand of dowry.

3. Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and is not related to the inlaws of deceased Pooja in any manner and has been nominated subsequently on the basis of a disclosure statement made by Vikas, which would hardly carry any evidentiary value. It has further been submitted that the petitioner has been behind bars since the last about 1 year and 10 months and since only 4 PWs out of the cited 20 PWs have been examined till date, the petitioner deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that the petitioner had played a pivotal role in the murder of deceased Pooja and infact it is a case where Pooja's husband i.e. Vikas was having an extra marital affair with the petitioner Anchal Sharma in respect of which he has categorically stated in his disclosure statement made on 17.1.2021. The learned State counsel has today passed on a photocopy of the said statement, wherein Vikas has stated that he had been knowing Anchal Sharma (petitioner) since the year 2015 i.e. much before his marriage and they also had physical relations. He further stated that even after his marriage with Pooja, he continued having relations with the petitioner and later petitioner suggested to Vikas that Pooja be

eliminated and accordingly Vikas and Anchal Sharma (petitioner) made a plan to kill Pooja. He further stated that on 13.1.2021, he went for a walk alongwith Pooja in the evening and when it was slightly dark and they were at a deserted place, he killed Pooja with the help of a knife and also self inflicted some injuries so as to project it to be a case of an attack. The photocopy of said statement dated 17.1.2021 is taken on record.

5. Learned State counsel has submitted that since the petitioner had actively participated in the commission of offence, he does not deserve the concession of grant of bail. Learned State counsel has also informed that upon examining the call-details it had been established that the petitioner had been regularly in touch with the co-accused Vikas, which would also point towards the complicity of the petitioner. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 1 year and 10 months. It has also been informed that 4 PWs out of the cited 20 PWs have been examined.
6. This Court has considered the rival submissions.
7. It is not in dispute that the petitioner herself had not directly participated in the commission of offence and was not even present at the spot when the co-accused Vikas had murdered the deceased Pooja. The petitioner has been nominated on the basis of a disclosure statement made by co-accused Vikas to the effect that the petitioner is a conspirator to the entire occurrence. The petitioner, who is a lady, has been behind bars for a substantial period of 1 year and 10 months. Conclusion of trial is likely to consume time inasmuch only 4 PWs out of the cited 20 PWs have been examined so far. In these circumstances, further detention of the petitioner would not be justified. The

petition, as such, is accepted and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

18.11.2022
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(Gurvinder Singh Gill)
Judge

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