

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-26531-2022
Date of decision : 11.07.2022

Bharti Verma

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Sanjiv Kumar Aggarwal, Advocate and
Mr.Tejas Bansal, Advocate and
Mr.Ojas Bansal, Advocate
for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.195 dated 20.05.2021 registered under Sections 302, 201, 120-B IPC at Police Station Kurukshetra University, District Kurukshetra, Haryana.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 22.05.2021 and the challan in the present case has already been presented and there are 19 prosecution witnesses and out of them, 4 witnesses have been examined and 15 witnesses are yet to be examined, thus, the trial is likely to take time. It is further submitted that the petitioner is a young girl of 20 years and is not involved in any other case. It has been contended that the petitioner was never named in the FIR, although the sister of the deceased, Monika, who is

the complainant in the present FIR, had specifically stated that she was certain that Raj Verma @ Raju, who was the second husband of the deceased Shailly, and his family members, had hatched a plan to kill said Shailly and her daughter Tanya. It is further contended that the present petitioner is admittedly not a family member of said Raj Verma @ Raju. It is argued that the said Raj Verma @ Raju had got a disclosure statement recorded on 21.05.2021 in which he had not named the petitioner but in the second disclosure statement recorded on 22.05.2021, said Raj Verma co-accused, for the first time had named the present petitioner and even as per the disclosure statement it is not the present petitioner who had murdered Shailly and her daughter Tanya as it was the said Raj Verma @ Raju who had drowned his motor cycle in the Bhakhra canal on which, Shailly and her daughter Tanya were the pillion riders and on account of the same, said Shailly and Tanya had drowned in the canal. It is also stated that as per the disclosure statement, only allegation against the petitioner is that she had also conspired along with co-accused Raj Verma @ Raju as she had befriended said Raj Verma but was not physically present at the time of commission of offence. It is further argued that the main witnesses have already been examined and thus, there is no question of either influencing or threatening them. It is further stated that PW-1 Monika, who is the complainant in the present case, in her examination-in-chief, had sought to implicate the present petitioner by stating that Raj Verma in pursuance of the criminal conspiracy hatched by him along with his family members and his girl friend, i.e. the present petitioner, had committed the murder of Shailly and Tanya. It is submitted that the said part of the deposition / evidence had been specifically objected to by learned counsel for the

petitioner and in her cross-examination at page 17 of the paper book, the said PW-1 Monika had stated that she named Bharti on the basis of hearsay. It is, thus, prayed that the petitioner be granted concession of regular bail.

Learned State counsel, on the other hand, has opposed the present petition and has submitted that it has come out in the investigation that the present petitioner had an affair with said Raj Verma, who is the main accused in the case and at the time when the said Raj Verma was committing the act of murdering Shailly and Tanya, the petitioner was in constant touch with the said co-accused Raj Verma on Whatsapp calls and the details of the record of Whatsapp calls are with the investigating agency.

Learned counsel for the petitioner, in rebuttal, has submitted that there is no transcript with respect to the call details and as per challan, copy of which has been supplied to the accused, there is no record of any call details.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner is a young girl of 20 years and is stated to be not involved in any other case. She has been in custody since 20.05.2021 and the challan in the present case has already been presented and there are 19 prosecution witnesses and out of them, 4 witnesses have been examined and 15 witnesses are yet to be examined, thus, the trial is likely to take time. The petitioner was not named in the FIR although the sister of the deceased, Monika who is the complainant, had specifically stated that she was certain that Raj Verma @ Raju and his family members had hatched a plan to kill Shailly and her niece Tanya by drowning them in the Bhakhra canal. The petitioner is not a family member of said Raj Verma. During the course of

investigation, the police had recorded the disclosure statement of said Raj Verma on 21.05.2021 and in the said disclosure statement, the petitioner was not named by said Raj Verma. It is only in the second disclosure statement dated 22.05.2021, that the present petitioner was named and as per the said disclosure statement also, it was not the petitioner who was physically present at the time of incident whereas Raj Verma was present at the spot of occurrence while his wife Shailly and daughter Tanya had drowned in Bhakhra canal and allegation against the petitioner is that she had conspired with co-accused Raj Verma @ Raju to commit the same. The complainant Monika has been examined as PW-1 and in her examination-in-chief, she has sought to implicate the present petitioner by stating that Raj Kumar in criminal conspiracy with his family members and his girl friend, i.e. the present petitioner, had committed the said offence. The said part of evidence of PW-1 Monika had been objected to and a perusal of the cross-examination of PW-1 Monika at page 17 of the paper book would show that it has been stated by her that it is correct that she had moved a complaint i.e., Ex.P1 and the name of Bharti Verma was not mentioned in the same and that the name of the petitioner, i.e. Bharti was referred to on the basis of hearsay. The star witnesses have already been examined in the present case. It is further submitted that the witnesses including the doctors and police officials are left to be examined and thus, the question of influencing the said witnesses does not arise.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any

other case.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

July 11, 2022
Davinder Kumar

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