

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

CRM-M-26888-2022 (O&M)  
Date of Decision:-22.9.2022

Kela Devi

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Sandeep K. Sharma, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,  
assisted by ASI Krishan.

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**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.697, dated 4.10.2020, Police Station Rohtak City, District Rohtak, under Sections 34, 120-B, 201 and 302 of Indian Penal Code.
2. The FIR in question was lodged at the instance of Jitender wherein it is alleged that his younger brother Suraj, aged about 26 years, was married to Sonu daughter of Satish about two years back. After the marriage, his brother had been residing with his wife at Surya Colony, Rohtak. The complainant's brother occasionally used to talk to him over phone and tell him that his wife Sonu and his mother-in-law Kela Devi and other members of her family used to harass him and gave beatings to him. On 4.10.2020, the complainant received information from phone No. 9729812906 to the effect that Suraj has died. Upon receipt of said information, the complainant went to his brother's house where he noticed that there was an injury on the head

of his brother which had been caused with a sharp edged weapon and apparently he had died on account of injuries. The complainant alleged that Suraj had been caused injuries by his mother-in-law Kela Devi, his wife Sonu and other persons.

3. Learned counsel representing the petitioner submitted that the present case is a case of blind murder and infact the same cannot even be said to be a murder and could be an accidental death inasmuch no incised wound was found on the body of the deceased. It has further been submitted that the prosecution mainly relied upon the statement of the landlord of the premises, where the deceased alongwith his wife was staying, i.e. Phool Kumar, but when said Phool Kumar was examined during the course of trial, he has absolutely resiled from his statement and did not say a word to support the case of the prosecution and rather stated that he reached at the place of occurrence when some persons were already gathered there.
4. Learned counsel for the petitioner further submitted that since two other co-accused namely Satish and Sonu have already been granted bail by this Court vide order dated 10.11.2021 passed in CRM-M-15981 of 2021, the petitioner, who otherwise has a clean record, deserves the same concession on grounds of parity.
5. Opposing the petition, learned State counsel has submitted that the petitioner cannot claim any parity with the case of the co-accused as it is the petitioner, who is the main accused and infact the other two co-accused had also suffered disclosure statements nominating the petitioner as the prime accused. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 1 year and 11 months

and that as on date 7 PWs out of cited 21 PWs stand examined. It has further been informed that the petitioner is involved in one more case pertaining to offence under Section 353 IPC and SC/ST Act.

6. This Court has considered the rival submissions.
7. It appears to be a case of blind murder where the prosecution had projected one Phool Kumar to be eye witness, who in his statement recorded in terms of provision of Section 161 Cr.P.C., had stated that when he went to the house of the deceased, he saw the petitioner sitting besides the dead-body of the deceased and was holding a brick and a knife in her hand. However, when the said PW was examined during the proceedings of trial, he did not utter a word to support the case of the prosecution and rather stated that he had reached at the place of occurrence when several persons had already gathered there. Apart from the aforesaid evidence, the investigating agency had recorded the disclosure statements of co-accused Satish and Sonu. However, the admissibility and veracity of such statements would be debatable. The petitioner otherwise has been behind bars for a substantial period of more than 1 year and 11 months. The prosecution as on date has examined 7 PWs out of the cited 21 PWs. In these circumstances, further detention of the petitioner, who is a lady, will not serve useful purpose as conclusion of trial is likely to consume time.
8. 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.

**22.9.2022**

pankaj

Whether speaking /reasoned  
Whether Reportable

**( Gurvinder Singh Gill )  
Judge**

Yes / No  
Yes / No