

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

222

(Through Video Conferencing)

CRM-M-31044-2021

Date of decision: 07.02.2022

Gayetri

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Kumar Yadav, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner, who is mother-in-law of the deceased, is seeking the concession of regular bail in case FIR No.228 dated 02.07.2020 lodged under Sections 304-B, 316, 328, 34 and 498-A IPC registered at Police Station Kanina, District Mahendergarh.

Learned counsel for the petitioner submits that the petitioner has been in custody since 22.07.2020 and there is no likelihood of the trial concluding in the near future as only 02 out of 17 prosecution witnesses cited stand examined. Learned counsel further submits that the false implication of the petitioner in the case in hand is evident from the fact that during trial when complainant (brother of the deceased) and the father of the deceased stepped into the witness box as PW-1 and PW-2, they did not support the case of the prosecution as a result of which they were declared hostile. In support, learned counsel has placed copies of deposition of both the material witnesses, which are taken on record, subject to all just exceptions. Learned counsel

submits that since both the material witnesses have been examined, further incarceration of the petitioner would not serve any useful purpose.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SHO, Kanina, has not disputed the factum of both the material witnesses i.e. the complainant as well as the father of the deceased turning hostile during trial. Learned State counsel submits that the next date fixed before the trial Court is 28.03.2022 when some more prosecution witnesses have been summoned for getting their evidence recorded.

I have heard learned counsel for the parties and perused the material placed on record.

The petitioner is admittedly not involved in any other criminal case much less of similar nature. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

07.02.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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