

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

CRM-M-31540-2021

Date of decision: 29.07.2022

Krishna Devi

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Ishita Jain, Advocate for
Mr. Namit Khurana, Advocate,
for the petitioner.

Mr. Pawan Kumar Jhanda, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.161 dated 27.10.2019, registered at Police Station Sadhaura, District Yamuna Nagar, under Sections 306 and 34 IPC.

Learned counsel for the petitioner submits that Gulshan (since deceased) was in physical relation with Manju; that the family of the deceased had come to know about the same; that due to the aforesaid reason, Gulshan had committed suicide by consuming some poisonous substance; that there is no act of instigation or abetment attributed to the petitioner; that the petitioner being the aunt (Chachi) of Manju, has falsely been implicated in the present case; that the petitioner has been in custody since 02.12.2020; that the petitioner had no role to play in the alleged offence, and that there is no other case registered or pending against the petitioner. On this premise, learned counsel prays for grant of bail to the petitioner.

Learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner has been specifically named in the suicide note; that the petitioner, her children and Manju had been demanding Rs.1,00,000/- from the deceased on the pretext that if the aforesaid demand was not fulfilled, he would be implicated in a false rape case.

I have heard the learned counsel for the parties.

Although the petitioner has been named in the suicide note, yet the fact remains that the petitioner, who is a lady, has been in custody since 02.12.2020. There is no act of instigation or abetment attributed to the petitioner. Out of 15 prosecution witnesses, 02 witnesses have been examined. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

29.07.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No