

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

219

CRM-M-35771-2021(O&M)
Date of Decision : August 04, 2022

BEENA

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. R.K.Lathwal, Advocate for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.214 dated 24.6.2020 under Sections 302, 201, 34 IPC (added latter-on), registered at Police Station Sadar-Gohana, District Sonipat.

The learned counsel for the petitioner has submitted that the petitioner is a lady of the age of 28 years and has two children and she is in custody from 26.11.2020 which is almost one year and eight months. He submitted that the material witnesses have since been examined and the complainant as well as one brother of the deceased have not supported the prosecution version and they have been declared hostile. He further submitted that even otherwise also as per the prosecution story the entire case is based upon circumstantial evidence. He submitted that one person had died whose information was given by the informant who is the complainant and, therefore, there is no direct evidence in the present case. He further submitted that the petitioner is a lady and has also suffered incarceration for one year and 8 months and, therefore, she

may be considered for the grant of regular bail.

On the other hand, the learned State counsel has submitted that it is correct that the petitioner is in custody from 26.11.2020 and the material witnesses have been examined including one brother of the deceased. He further submitted that it is also correct that the present case is based upon circumstantial evidence.

I have heard the learned counsels for the parties.

The petitioner is a lady of the age of 28 years and has two minor children. She has suffered incarceration for one year and 8 months. The material witnesses who have been examined as per the learned counsels for the parties have not supported the prosecution version including the complainant and the brother of the deceased.

Therefore, considering the totality of the circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

August 04, 2022

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(JASGURPREET SINGH PURI)

JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No