

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-36403-2021 (O&M)

DATE OF DECISION: MARCH 29, 2022

GUDDI

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. INDERJEET SINGH, ADVOCATE FOR THE PETITIONER.
MR. VIKRANT PAMBOO, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.264 dated 21.4.2020, under Section 302, 201, 120-B read with Section 34 IPC, Police Station Sadar Karnal, District Karnal, who is in custody since her arrest on 24.4.2020.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Karnal in the order dated 21.5.2021, are as under:-

“Complainant Smt. Meenu in her statement to the police disclosed these facts that she and her husband were running a grocery shop at Mann Colony, Main Market. About 17-18 years ago, Sagar alongwith his wife Santra and son Nand Kishore, residents of Bihar were living on rent. During the course, Nand Kishore started treating complainant Meenu as her sister. Family of Sagar remained on rent for five years in the house of the complainant and thereafter, they had left the house. Complainant came to know that Smt.Santro Devi had died about 10 years ago and her husband Sagar had

gone somewhere. Their son Nand Kishore, aged 25-26 years, started living on rent in the house of Geeta wife of Jagdish, resident of street No.9, Shiv Colony, Ram Nagar, Karnal, where he lived for few months. During such course, complainant used to tie Rakhi to Nand Kishore, who also used to visit complainant. Thereafter, in March, 2020 Nand Kishore was caught in suspicious circumstances in the house of Rajinder son of Pala Ram, Hakikat Nagar, Karnal. Nand Kishore apologized and at that time complainant came to know this fact that Nand Kishore had illicit relations with Kavita @ Mamta (accused) wife of Rajbir and also with Guddi wife of Rajinder. It was also known that Nand Kishore used to talk from his mobile phone No.8928433567 with Kavita and Guddi. But his phone was lying switched off for the last 20 days. Complainant enquired from Smt.Geeta landlord, but Geeta replied that she did not know about whereabouts of Nand Kishore. But on reading notice given by the police in the newspaper, complainant came to know that dead body was of his brother Nand Kishore. Complainant expressed suspicion over accused/petitioners Kavita, Guddi and their relatives in killing deceased Nand Kishore.”

Learned counsel for the petitioner has argued that as per prosecution, the dead body of Nand Kishore was found in a canal on 17.4.2020 and complainant, namely, Meenu (landlady of victim) expressed suspicion regarding murder upon accused named in FIR. According to him, the complainant had set up a common case against petitioner Guddi and her co-accused Kavita and the said co-accused has already been released on regular bail. He submits that as per complainant, the ladies were having

illicit relations with the victim and when the victim was caught red-handed by Rajinder, he apologized and at that stage, the complainant came to learn all this. He submits that the complainant has already been examined by the prosecution, but she has not supported the case, therefore, further custody of the petitioner may not be necessary. He prays for bail.

On the other hand, learned State counsel assisted by SI Rakesh while opposing the prayer does not dispute this fact that the material witnesses have been examined and the case of the petitioner is at par with the co-accused who is already on bail.

Considering the above background, the custody of the petitioner, and the fact that the complainant has already been examined and the co-accused of the petitioner has also been released on regular bail, further detention of the petitioner may not be necessary for any useful purpose, as the trial would take considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

March 29, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No