

203

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

CRM-M-35841-2022 (O&M)

DATE OF DECISION: 06.09.2022

Santra Devi

...Petitioner

Versus

State of U.T. Chandigarh

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Mukesh Mehra, Advocate,
for the petitioner.

Mr. Rajeev Anand, Additional P.P. for
U.T. Chandigarh.

ARUN MONGA, J. (ORAL)

This is third foray of the petitioner seeking bail in case FIR No.0129 dated 17.06.2019 (Annexure P-1) registered under Section 302 read with Section 34 IPC at Police Station IT Park, Chandigarh.

2. Prosecution allegation per FIR is that petitioner, along with other co accused i.e. her son and husband, who too are in custody, killed her daughter in law by gagging/strangling her with a piece of cloth. Role attributed to her is that she held the arms of the deceased, while the other two strangled her.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. He further submits that she has been in custody since 18.06.2019. He would further argue that the petitioner is an old lady of 65 years of age and is suffering from various ailments of spinal cord, knee joint pain and gynecologist issues.

He points out that investigation is already complete and challan has already been presented on 13.09.2019. Charges were framed by court below way back on 22.01.2020. And yet, prosecution testimonies are still underway and only 6 out of 36 witnesses have been examined. Conclusion of trial will thus take a long time. He also relies on NALSA report released in All India Legal Services Meet held on 16-17 July, 2022 at Jaipur, Rajasthan titled as “Release UTRC@75, a campaign for the release of prisoners by the Under Trial Review Committee to commemorate the 75th Independence Day of India.” Said report is for releasing certain categories of prisoners on Independence Day. He thus would further argue that since the petitioner has already been in custody for the last more than 3 years and since the trial is not likely to be concluded in near future, no useful purpose would be served to keep her behind the bars indefinitely.

4. *Per contra*, learned State counsel opposes the bail plea and argues that nature of offence is very serious and concession of bail ought not to be accorded.

5. I have heard the rival contentions of the respective learned counsels.

6. Ordinarily, merely because the petitioner is a female offender and being a senior citizen aged 65 years, would be no ground to accord the benefit of bail given the serious nature of allegations and the offence qua which she is undergoing trial. Mandate of the Supreme Court vide order dated 24.04.2015, passed in WP(C)-406-2013 led to

“A Campaign for the Release of Prisoners by the Under Trial Review

Committees to commemorate the 75th Independence Day in India” by the National Legal Services Authority. Pursuant thereto, a comprehensive review is contemplated qua undertrial women offenders and senior citizens being above 65 years of age.

7. In this background and considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in preventive custody. However, it is made clear that any observation made herein above would not be construed any reflection on merits of the case, in any manner, and the trial shall proceed without being influenced therefrom as the same are only for the purpose of according bail.

8. Accordingly, petitioner is ordered to be released on bail on her furnishing bail bonds and surety bonds to the satisfaction of learned trial Court where her case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

September 06, 2022
ashish

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No