

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40064-2022
Date of Decision: 17.10.2022

Geeta

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr.Ram Pal Verma, 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 the grant of regular bail to the petitioner in FIR No. 46 dated 20.07.2019, under Section 346 IPC (Sections 302 and 201 IPC added later on), registered at Police Station Industrial Sector-29, Panipat, District Panipat.

Learned counsel for the petitioner has submitted that the petitioner is a lady of the age of 30 years and is in custody from 24.10.2020 which is about 2 years. He submitted that 10 out of the total cited 28 witnesses have already been examined by the learned trial Court. He further submitted that the case pertains to the death of the husband of the petitioner wherein the petitioner herself had given a complaint to the police that her husband is missing for the last 3 months and after a period of 1½

years a skeleton was found and thereafter on a complaint made by the brother of the deceased that the petitioner was nominated as an accused in the present FIR. He further submitted that the entire case is based upon circumstantial evidence and there is neither any link evidence nor there is any direct evidence to connect the petitioner and rather, the petitioner herself had informed the police with regard to the missing of her husband. He further submitted that be that as it may, the petitioner especially being a lady has already faced incarceration for about 2 years and she also has three minor children and, therefore, she may be considered for the grant of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that it is correct that the petitioner is in custody for about 2 years and 10 witnesses have already been examined. He further submitted that it is also correct that it was on the basis of complaint made by the petitioner herself that the FIR was registered with regard to missing of her husband and thereafter, Section 302 IPC was added when a skeleton was found after a period of 1 ½ years. He has however opposed the grant of bail to the petitioner on the ground that the matter is serious in nature because the allegation against her was that she had killed her own husband.

I have heard the learned counsel for the parties.

The petitioner is a lady of the age 30 years and has already faced incarceration for about 2 years and 10 witnesses including all the material witnesses have already been examined as per the learned counsel for the parties. As per the allegations, skeleton of the husband of the

petitioner was found after a period of 1 ½ years and rather the complaint was given to the police with regard to missing of her husband by the petitioner herself. It appears that the case is based upon some circumstantial evidence. However, this Court does not wish to make any observations on the merits of the case but for the purpose of consideration of application for bail, this Court would certainly consider the fact that the petitioner is a lady having 3 minor children and has already faced incarceration for about 2 years and the case appears to be based upon circumstantial evidence, this Court deems it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

17.10.2022**(JASGURPREET SINGH PURI)**

rakesh

JUDGE

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