

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

CRM-M-50734-2021 (O&M)

Date of decision: 02.03.2022

Kanchan @ Neha

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Amit Sharma, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.214 dated 20.04.2021, under Sections 302, 34 IPC, registered at Police Station HTM, Hisar.

Reply by way of affidavit dated 25.02.2022 of Deputy Superintendent of Police, Hisar-1, Hisar, already filed in the Registry, is taken on record.

On 09.12.2021, learned counsel for the petitioner submitted that the alleged incident took place on 17.09.2018, whereas the present FIR was lodged on 20.04.2021 i.e. after a delay of more than 2 years 7 months; that deceased, Raj Kumar, was the husband of the petitioner and that the petitioner has been in custody since 24.04.2021. He further submitted that

complainant, namely, Munna Lal, is the father-in-law of the petitioner and that the petitioner is having two daughters, out of whom, one is with the Child Welfare Committee, Hisar and another with the petitioner in custody (being 6-months old).

Today, learned counsel for the petitioner while referring to the reply filed by the prosecution to the bail application of the petitioner before the trial Court, states that as per the prosecution itself, no stain of any stick injury was found on the head of the deceased and that injuries No. 2 and 3 as mentioned in PMR-FMD/MAMC.BOARD/79/2018 could be possible with the stick only. It is further submitted that even no injury could be inflicted with the *Chunni*. While making reference to the reply filed by the respondent before this Court, it is submitted that the cause of death is failure of brain, a vital organ, due to SDH and SAH, blunt force impart to head, concomitant with attempted manual strangulation. He further submits that there is no mark of injury on the body of the deceased and liquor was consumed by the deceased before his death.

Learned State counsel, while opposing the prayer for bail submits that there are specific allegations against the petitioner, who was wife of the deceased.

I have heard the learned counsel for the parties.

The petitioner is none-else but the wife of the deceased. The allegations against her are grave. She has committed murder of her husband and even recovery of the articles used in committing the crime had also been recovered from the petitioner. Merely because there is delay in registration of

the FIR, is no ground to presume at this stage that the petitioner has had no role in committing the crime. Thus, the petitioner is not entitled to the concession of regular bail.

Dismissed.

(HARNARESH SINGH GILL)
JUDGE

02.03.2022

Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No