

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1962-2023 (O&M)

Date of decision :04.07.2023

Manika Devi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sushil Kumar Verma, Advocate,
For the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Deepak Singh Saini, Advocate,
For the complainant.

ARUN MONGA, J. (ORAL)

This is second foray of the petitioner before this Court, seeking regular bail in FIR No.77 dated 14.04.2020, registered under Sections 302, 201 and 120-B IPC at Police Station Sadar Dadri, District Charkhi Dadri, as the earlier one was dismissed as withdrawn on 05.10.2020.

2. Per prosecution, case was registered on the complaint of Sunil son of Dayanand, resident of village Charkhi with the allegations that on 10.04.2020 at 4:00 p.m., his younger brother Pardeep after informing his wife and son, went to Dadri to meet Master Jaiveer on vehicle make Beat bearing registration No.HR-19-H-6122. At about 7:00 p.m., Master Jaiveer informed through mobile phone of Pardeep to the wife of Pardeep that an accident of the said vehicle has occurred. Soon

thereafter the complainant and his family members rushed to Government

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hospital, Dadri only to learn that dead body of his brother Pardeep was lying on a stretcher. The attending doctor informed that he was brought dead. Master Jaiveer was present there, who disclosed that due to a cow, this accident occurred at Kaliyana road. Thereafter, Jaiveer was referred to PGIMS Rohtak. On inspection of vehicle by complainant, which was parked in the hospital campus there was no sign to suggest that his brother Pardeep died in a motor vehicular accident. Complainant got suspicious that murder of his brother has been committed by Master Jaiveer Singh in a pre-planned manner. With the aforesaid allegations, initially FIR under Section 302 and 201 IPC was lodged.

2.1. During investigation, accused Jaiveer was arrested. On interrogation, accused Jaiveer suffered disclosure statement qua the involvement of the petitioner. Co-accused Manika (petitioner) was thus arrested and Section 120-B IPC was added

3. Petitioner was arrested on 23.04.2020 and since then she is in custody.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the case. She was not named in the FIR nor any overt act is attributed to her. The case of the prosecution is based on circumstantial evidence. There is no other corroborating evidence against petitioner except the disclosure statement of co-accused Jaiveer Singh. Challan has already been presented. Petitioner is no more required for custodial interrogation. He further submits that conclusion of trial will take long time and no useful purpose would be served by keeping the petitioner behind the bars. He submits that there is also a delay of 4 days in registration of the FIR.

5. Per contra, learned State counsel, opposes the bail. On instructions from SI Surender Singh submits that there are total 38 prosecution witnesses, out of which 21 have already been examined, 13 witnesses have been given up by the prosecution. He further contends that the offence against the petitioner is serious in nature.

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

7. In course of hearing, it transpires that prosecution evidence is still going and testimony of just one more prosecution witness is to be recorded.

8. Given the nature of offence, I am not inclined to grant bail at this stage as possibility of influencing the unexamined witness can not be ruled out. However, the petitioner is at liberty to approach learned trial Court after the completion of recording of prosecution testimony and learned Court below shall be at liberty to entertain the petition for grant of bail, if so moved, and pass fresh orders, as it may deem fit. The bail petition is accordingly disposed of.

7.2. It is made clear that any observations made herein above shall not have any effect on merits of the case as the same are for the limited purpose of hearing the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.

8. Pending application(s), if any, shall also stand disposed of.

04.07.2023

Vandana

Whether speaking/reasoned :

Whether reportable :

**(ARUN MONGA)
JUDGE**

Yes/No

Yes/No