

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

216

CRM-M-8199-2023 (O&M)

Date of Decision: 10.08.2023

JYOTI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Farukh Abdullah, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Additional AG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this second petition is for grant of regular bail to the petitioner in case bearing FIR No.324 dated 20.11.2019, registered under Sections 302, 120-B, 201 IPC and Section 25 of the Arms Act, at Police Station-37, Gurgaon, the first one having been dismissed as withdrawn on 21.04.2022.

The FIR in question was registered by Mohan Bir, who is the brother of Sandeep (since deceased). The petitioner is the wife of Sandeep.

Learned counsel for the petitioner submits that the petitioner is a married lady and having a minor daughter, who is presently residing with her in-laws' family; that the allegations against the petitioner and co-accused, namely, Sachin, are false; that the petitioner has no role to play in the alleged occurrence; that the fire arm injury has been attributed to

Sachin and that the weapon has also been recovered from said Sachin. He further submits that the petitioner has been in custody since 21.11.2019 and that out of total 47 prosecution witnesses, only 8 have been examined, so far.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, she was having illicit relations with Sachin and in order to eliminate Sandeep (her husband), the petitioner had conspired with Sachin. He further submits that Sachin gave a gun shot on the person of Sandeep, who died in the hospital and that, while Sandeep was being taken to the hospital, he got recorded his dying declaration in the form of a video before SPO Mahesh, stating that it was the petitioner and Sachin, who had conspired with each other and committed his murder by inflicting a gun shot injury on his chest. Still further, it is submitted that material prosecution witnesses, including the complainant, are yet to be examined and thus, the petitioner be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner had performed a love marriage with Sandeep (since deceased). Out of said wedlock, a daughter was born, who was three months old, when the occurrence took place. The said minor daughter is presently residing with her in-laws family. Though, the deceased in his dying declaration recorded in the form of video before the

police official had specifically named the petitioner, yet the fact remains that the petitioner has been in custody since 21.11.2019. A gun shot injury has been attributed to Sachin. The weapon of offence was also recovered from said Sachin. Out of total 47 prosecution witnesses, only 8 have been examined, so far. This Court is conscious of the fact that the complainant and most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

10.08.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>