

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

CRM-M No.5613 of 2022

Date of decision: 23rd August, 2023

Rajni @ Rajni Chouhan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Munish Behl, Advocate for the petitioner.

Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.0291 dated 14.07.2021 under Sections 201, 302 IPC (Sections 379, 411, 34 IPC added later on) registered at Police Station Baldev Nagar, District Ambala.

2. Learned counsel for the petitioner inter alia contends that a fabricated version has been brought forth by the prosecution that the petitioner along with her alleged paramour, strangled her mother-in-law (hereinafter referred to as 'deceased') and threw her dead body at an abandoned place beneath a flyover at Ambala. Learned counsel has argued that the motive to commit the crime in question, later spelt out by one of the brothers-in-law of the petitioner was her alleged illicit relationship with co-accused Sarwan, which was revealed to him by his

maternal grandmother, who in turn had been told by the deceased. Learned counsel has argued that it is unbelievable that in case the deceased had come to know about the alleged illicit relations of the petitioner with co-accused Sarwan, she would have chosen to divulge it to only her mother, who was living in Rishikesh, and not to her son i.e. husband of the petitioner. Hence, in the circumstances, when the factum of alleged illicit relationship was under wraps, there would have been no occasion for the petitioner to eliminate the deceased, and that too, at a place far away from her place of residence i.e. Mohali. It has further been urged that except the supplementary statement of the complainant which was made on the following day of the registration of the FIR, there was no other circumstance to link the petitioner with the alleged crime, much less any evidence of last seen.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from SI Rajpal, has not been able to controvert that initially the FIR in question was registered against unknown persons, however, she submits that in his supplementary statement, the complainant (son of the deceased) spelt out the motive to commit the crime in question i.e. the alleged illicit relations of the petitioner and co-accused Sarwan coming to the notice of the deceased. He further submits that the mother of the deceased, who had divulged about the alleged illicit relations of the petitioner and co-

accused, to the complainant, while stepping into the witness box, had supported the case of the prosecution.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has now been in custody since 15.07.2021 and there is no likelihood of the trial concluding in the near future as 27 prosecution witnesses still remain to be examined. In addition, the sole material witness i.e. the mother of the deceased, who spelt out the motive to commit the alleged crime, already stands examined. In the facts and circumstances, as enumerated hereinabove, this Court thus, deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

August 23, 2023

rps

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