

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

216**CRM-M-10478-2023****Date of Decision: 28.03.2023**

Mamta

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Ripudaman Singh Sidhu, Advocate
for the petitioner.

Mr. R.S. Nain, D.A.G. Haryana.

GURBIR SINGH, J.(ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.188 dated 27.05.2020 under Section 346 IPC (deleted while submitting challan) and Sections 302, 201, 328, 364 and 34 of the Indian Penal Code, 1860 (added lateron) registered at Police Station City Mandi Dabwali, District Sirsa.

2. Counsel for the petitioner submits that petitioner has been falsely implicated in the instant case. She is in custody since 21.06.2020. The petitioner initially submitted the complaint inwriting regarding the missing of her husband Sandeep Kumar. On the basis of the said complaint, case under Section 346 IPC was registered on 23.05.2020. Father of Sandeep Kumar, moved an application dated 20.06.2020 making allegations that petitioner did not enjoy cordial relations with his son Sandeep Kumar, who used to remain upset on account thereof. So, he started working at a

liquor vend at Malout. During the absence of his son, Ram Singh, who was doing the work in the mechanic shop near their house, used to visit the petitioner. Sandeep Kumar came from Malout to his house in the noon of 22.05.2020. Petitioner quarreled with her husband. He (Des Raj) tried to make them understand. Thereafter on 23.05.2022 at the day time and the evening, there was quarrel between them regarding visit of Ram Singh. Petitioner threatened her husband whether he came to the house or not, Ram Singh would visit the house. He (Des Raj) tried to make the petitioner understand. Thereafter at about 8.30 P.M., he and her grand children after taking meals went to sleep, there were noises there in the night. He being old age enquired from the petitioner in the morning. She told that Sandeep Kumar had gone somewhere in the night itself. He searched for his son, but he could not find him. He came to know that due to illicit relations and as per the planning with Ram Singh and Kaptan Singh, the petitioner had administered sleeping pills in the meals of Sandeep Kumar and he became unconscious. In the night, with the intention to kill his son they after putting his son in the vehicle either threw his son in the canal or had hidden him somewhere. On the basis of the said complaint, Section 346 IPC was deleted and Sections 328, 364 and 34 IPC were added.

3. It is further argued that whereabouts of Sandeep Kumar are not known even his dead body is not found. There is no other evidence against the petitioner except a suspicion raised by her father-in-law. Co-accused Ram Singh and Kaptan Singh have already been granted bail by co-ordinate Bench of this Court.

4. Status report is filed by way of affidavit of Deputy Superintendent of Police, Kalanwali, District Sirsa.

5. The State counsel has opposed the petition. It was argued that petitioner made a disclosure statement admitting her involvement in the case, so offence under Section 302/201 IPC was added. The co-accused Ram Singh and Kaptan Singh have already made similar kind of disclosure statements. They also demarcated the place at bridge of Raj Canal in village Panjava, where they had thrown Sandeep Kumar in the state of unconsciousness in the flowing water in order to kill him. There were WhatsApp chats between petitioner and co-accused Ram Singh Mistri. Challan has already been presented. Charges have already been framed. Four prosecution witnesses have been examined. He has fairly conceded that the petitioner is in custody since 21.06.2020.

6. Heard.

7. On asking, learned counsel for the State submits that Des Raj father-in-law of the petitioner is not examined. He failed to appear in the Court. Now bailable warrants of arrest has been issued against him. As per version of Des Raj, there were noises in the house of the petitioner on 23.05.2020 itself. Sandeep Kumar is missing since then. But Des Raj only filed an application to the police on 20.06.2020, after a long gap. Whereabouts of Sandeep Kumar are not known. Although, offence under Section 302 IPC is added in this case but dead body of Sandeep Kumar has not been recovered. No recovery is effected from the petitioner. There is complaint against the petitioner and disclosure statement made before the police. The said WhatsApp chats between the petitioner and co-accused Ram Singh Mistri are not made part of the challan. The petitioner is in custody since 21.06.2020, the completion of trial will take long time, no useful purpose would be served by keeping the petitioner behind bars for a

long period.

8. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on her furnishing bail bonds/ surety bonds, to the satisfaction of learned trial Court/ Duty Magistrate, concerned.

9. However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

(GURBIR SINGH)
JUDGE

28.03.2023
Satyawan

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No