

2023: PHHC: 141141

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

CRM-M-13875-2023
Reserved on: 02.11.2023
Pronounced on: 06.11.2023

MUKESH

. . . . Petitioner

Vs.

State of Haryana

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Harminder Singh, Advocate, for
Mr. Anoop Singh Sheoran, Advocate, for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. Abhimanyu Singh, Advocate, for the complainant.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 CrPC, petitioner prays for grant of regular bail in case FIR No.198 dated 08.07.2019 registered under Sections 346 of IPC (Sections 120B, 201, 302/34 IPC added later on) at Police Station Industrial Sector 7, Manesar, District Gurugram.

2. FIR was lodged on the complaint of Jai Bhagwan, father of the deceased Satya Narayan. As per the complaint, Jai Bhagwan was habitual of drinking. He left home on 07.07.2019 without intimating the family members at about 4.00 PM. Report to trace him was lodged under Section 346 CrPC. On 09.07.2019, dead body of Satya Narayan was found. During investigation, co-accused Gajender was implicated. He got recovered mobile phone. It was found during investigation that petitioner Mukesh, who is the wife of deceased Satya Narayan, was

having illicit relations with co-accused Gajender and conspired with him to commit the murder.

3. It is contended by Id. counsel that petitioner has been falsely implicated; that case is based upon circumstantial evidence particularly disclosure statement, which is not admissible; that petitioner is in custody for the last more than 4 years; that petitioner is not involved in any other case; and that in all these circumstances, she be allowed regular bail.

4. Strongly opposing the bail petition, Id. State counsel has drawn attention towards call detail records pertaining to the mobile of the petitioner and that of the co-accused Gajender to stress his point that both of them were in illicit relationship and used to converse even in the late hours of the night. Particular attention is drawn towards the fact that on the night intervening 7/8.07.2019, when the deceased had left home, the petitioner and the co-accused Gajender were in continuous touch with each other from 08:23 PM onwards till 12:49 AM in the night time. Id. State counsel further submits that out of 25 witnesses cited by the prosecution, 12 have already been examined and one has been given up and that prosecution is making sincere efforts to conclude the trial. Prayer is made for rejecting the petition.

5. Heard.

6. As per the custody certificate placed on record, petitioner is in custody since 01.08.2019 i.e., for the last 4 years and 2 months. At the same time, the gravity of offence and the role attributed to the petitioner cannot be ignored by this Court to the effect that instead of providing

any protection to her husband, she became part of conspiracy with her alleged paramour in committing the murder of Satya Narayan.

7. Having regard to the aforesaid circumstances, but without commenting anything on the merits of the case, this Court is not inclined to grant bail to the petitioner. As such, the petition is dismissed. However, at the same time, trial Court is directed to make every possible efforts to conclude the trial expeditiously keeping in view the custody period of the petitioner.

06.11.2023
Vivek

(DEEPAK GUPTA)
JUDGE

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| 1. Whether speaking/reasoned? | Yes |
| 2. Whether reportable? | No |