

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-12165-2023 (O&M)
Date of decision: 24.07.2023

MADHUBALA

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Keshav Pratap Singh, Advocate and
Mr. Rajat Singh, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG 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.290 dated 28.08.2020, registered at Police Station Bawani Khera, District Bhiwani, under Sections 302, 120- B, 201 and 34 IPC. The first bail petition was dismissed on merits by this Court vide order dated 12.05.2022.

Status report filed on behalf of the respondent-State is already on record.

Learned counsel for the petitioner submits that the complainant in the present case is father of the deceased and father-in-law of the petitioner; that the complainant has now since passed away during the Covid-19 period; that the petitioner was not named in the FIR and was indicted in the present case on the basis of the disclosure statement of the main accused, namely, Gagan @ Narender; that the petitioner is having two minor children, who are staying with her (petitioner) brother and that the petitioner has been

in custody since 10.09.2020. He further submits that the allegations against the petitioner are that she was having illicit relation with the main accused i.e. Gagan @ Narender, who has committed the murder of husband of the petitioner. The case is banking upon the call details record alleged to have been took place between the main accused and the petitioner and till date no recovery has been effected from the petitioner. Out of 24 prosecution witnesses, only 10 have been examined so far.

Learned State counsel, while vehemently opposing the prayer for bail submits that the petitioner has actively participated in the murder of her husband committed by co-accused Gagan @ Narender with whom the petitioner was having illicit relations. However, she does not dispute the custody period of the petitioner. She submits that some material witnesses are yet to be examined

I have heard the learned counsel for the parties.

The petitioner has been in custody since 10.09.2020 i.e. for the last 02 years and 10 months. No recovery has been effected from the petitioner. There is no evidence against the petitioner except the call details record. The complainant, father-in-law of the petitioner has passed away during Covid-19 period. The petitioner is a lady and she has to look after her two minor children, who are now residing with her brother. Remaining 14 prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

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

(HARNARESH SINGH GILL)
JUDGE

24.07.2023
Mangal Singh

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