

209/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17141-2021 (O&M)
DECIDED ON: 16th MAY, 2023

PINKYPETITIONER

VERSUS

STATE OF HARYANARESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Saurabh Sharma, Advocate for the petitioner.

Mr. G.S. Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

CRM-12126-2021 & CRM-3785-2022, CRM-3787-2022

Applications are allowed as prayed for.

Depositions of Om Parkash PW-11 and Radhey Shyam PW-12, and are taken on record as Annexures P-4 & P-5 respectively, subject to all just exceptions.

CRM-M-17141-2021

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 180, dated 30.03.2020, under Section 346 IPC (Sections 302, 201 and 120-B of IPC added later on), registered at Police Station Pehowa, District Kurukshetra.

2. The contention raised by the learned counsel for the petitioner is that it is a case of circumstantial evidence and on that basis, prosecution has proceeded in the trial and the alleged eye witnesses namely Om Parkash PW-11 and Radhey Shyam PW-12 have already turned hostile.

3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 1 year, 4 months and 17 days, who is not involved in any other case of any nature whatsoever, which shows that she is not an habitual offender.
4. Learned State counsel submits that out of 28 witnesses, 25 have been examined and trial is at the fag end. He has also not disputed the assertion made by the counsel for the petitioner that two eye witnesses i.e., PW-11 and PW-12 have already turned hostile.
5. Considering the fact that the alleged eye witnesses have already turned hostile during the course of trial and the case is of circumstantial evidence only, this Court is of the considered view that there is a strong probability, which may result into acquittal. Hence, no useful purpose would be served by keeping the petitioner behind the bars, which would also violate her right to life and speedy trial as enshrined under Article 21 of the Constitution of India.
7. Accordingly, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.
8. The petition is allowed in the aforesaid terms.
9. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

16th MAY, 2023
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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No