

CRM-M-17461-2023

-1-

(221)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17461-2023
Date of Decision: 20.04.2023

ANITA PATHAK @ ANJU

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Punit Malik, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.97 dated 09.07.2022 (Annexure P-1) registered under Section 302 IPC at Police Station Bajghera, Gurugram.

2. The brief facts of the case are that Vijender Pathak son of Sh. Lalan Pathak got registered the present FIR with the allegations that his deceased brother namely, Raghvender Pathak was married with Anita Pathak @ Anju (petitioner). The couple had two children, elder one being a daughter named Manisha aged 13 years and the younger one being a boy Harshit aged 10 years. On account of consumption of alcohol, the petitioner had given beatings to the deceased. On 08.07.2012 after giving beatings, the petitioner had informed him (complainant) that the condition of her husband, the deceased was bad and he was being taken to the hospital. When they

(complainant party) reached the flat of the deceased and the petitioner, they found that Raghvender Pathak (deceased) had died. The petitioner informed him (complainant) that the deceased had died due to the injuries received after falling in a bathroom. However, as the deceased was having multiple injuries on his body it was apparent that he had been done to death by the petitioner who had caused those injuries. Legal action was sought against the petitioner.

3. The learned counsel for the petitioner contends that the entire case is based on suspicion. In fact, the complainant has been examined as PW1 and has not supported the prosecution case. Similarly, Rishita daughter of the petitioner and the deceased has also not supported the prosecution case. He therefore, contends that as the two material witnesses have not supported the prosecution witness, there was no evidence inculcating the petitioner. Therefore, she was entitled to the grant of regular bail.

4. On the other hand, the learned State counsel contends that the petitioner is the only accused. The nature of allegations levelled against her did not entitle her to the grant of bail. He however does not deny the fact that the two material witnesses have turned hostile, the petitioner is a first-time offender and in custody since 09.07.2022.

5. I have heard the learned counsel for the parties.

6. Admittedly, the material witnesses have turned hostile. Whether the remaining evidence is sufficient to inculcate the petitioner shall be adjudicated upon during the course of Trial. The petitioner is in custody since 09.07.2022 and only 03 out of the 15 prosecution witnesses have been

CRM-M-17461-2023

-3-

examined so far. As such, the Trial of the present case is not likely to be concluded anytime soon. Therefore, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Anita Pathak @ Anju wife of Raghvender @ Sonu is ordered to be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

20.04.2023

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No