

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

CRM-M No.19525 of 2022
Date of decision: 8th February, 2023

Suman

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Raman Chawla, Advocate for the petitioner.

Mr. Chetan Sharma, Assistant Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J.

The petitioner in the instant petition filed under Section 439 Cr.P.C. is seeking concession of regular bail in case bearing FIR No.60 dated 21.03.2021 under Sections 302, 195, 120-B IPC registered at Police Station Nathusari Chopta, District Sirsa.

Learned counsel for the petitioner submits that the petitioner, who has now been in custody since 23.03.2021, has been falsely implicated in the case in hand for the murder of her husband Satbir. While inviting the attention of this Court to the FIR which has been annexed as Annexure P-1, learned counsel has submitted that it was registered against unknown person and not even any whisper was raised qua the possible involvement of the petitioner in the crime in question. Learned counsel has further submitted that the crime in question allegedly took place in the fields and even as per the admitted

case of the prosecution, the petitioner was present inside her house at the relevant time. Learned counsel has submitted that it was 2 days after the occurrence in question, the name of the petitioner was nominated on the basis of disclosure statement of co-accused Jai Karan wherein it was allegedly stated that the petitioner was in an illicit relationship with him and there had been frequent conversations between them over the mobile phone. Learned counsel submits that other than this piece of evidence, there was no other evidence collected by the investigating agency, from which it could be even remotely discerned that the petitioner had been an active or even passive participant in the crime in question.

Learned State counsel while opposing and controverting the submissions made by the counsel opposite, has not been able to dispute that the petitioner was neither named in the FIR in question, and still further, after the crime in question no suspicion was raised by her father-in-law qua her involvement in the murder of her husband. However, he submits that the petitioner has been made an accused on account of her alleged illicit relationship with co-accused Jai Karan, which was the motive for the co-accused to commit the murder of Satbir deceased. He further submits that no doubt the petitioner has not been attributed any role of inflicting any injuries on the person of the deceased, however, her role was that of a conspirator. He further submits that 2 out of the 21 prosecution witnesses cited have been examined till now.

I have heard learned counsel for the parties and perused the relevant material on record.

The petitioner, who is a lady, has been in custody since 23.03.2021 and there is no likelihood of the trial concluding in the near future as 19 prosecution witnesses remain to be examined. As apprised by learned State counsel, the role attributed to the petitioner is one of a conspirator. Since the investigation is complete and prosecution evidence is underway, further incarceration of the petitioner in the circumstances would serve no useful purpose. In the facts and circumstances, as enumerated hereinabove, this Court deems it fit to allow the instant petition. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 8, 2023

rps

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