

CRM-M-21238-2023
Decided on : 28.04.2023

Versus

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Ms. Rajni Gupta, Addl. AG, Haryana.

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Manjari Nehru Kaul, J.(Oral)

3. Per contra, learned State counsel on instructions has vehemently opposed the prayer and submissions made by counsel opposite by inviting the

contention of this Court to the allegations levelled in the FIR (Annexure P-1). Learned State counsel submits that the petitioner was not only named in the FIR in question but had actively participated in the murder of the deceased Rajesh. Learned State counsel further submits that the petitioner was armed with a sharp edged weapon with which she inflicted an injury on the head of the deceased and even as per the postmortem report, the deceased had died on account of the injuries sustained by a sharp edged weapon. Learned State counsel still further submits that the petitioner has been continuously filing petition under Section 439 Cr.PC for grant of regular bail on some pretext or the other and in case, she is extended the concession of bail, there is every likelihood that she could abscond or even tamper with material evidence, more so, since the prosecution evidence has not yet commenced. It has also been contended by learned State counsel that the husband of the petitioner is not an accused in the case in hand and hence, the ground on which the petitioner is seeking bail i.e. for nurturing her two years old child, deserves to be rejected.

4. Heard learned counsel for the parties and perused the relevant material available on record.

5. The petitioner has not only been named in the FIR in question but has also been attributed injury with a sharp edged weapon on the head of the deceased. The FIR was promptly lodged after the occurrence in question. The husband of the petitioner is not an accused in the case in hand and still further, her child is being taken care of by her other family members including her husband and mother. The trial is at a very crucial stage and none of the material witnesses have been examined yet.

6. As a sequel to the above, this Court does not deem it fit to extend the concession of interim regular bail to the petitioner. Accordingly, the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

28.04.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No