

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

204

CRM-M-30454-2022 (O&M)

Date of Decision: 08.02.2023

KANCHAN ALIAS NEHA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sanchit Punia, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.214 dated 20.04.2021, registered at Police Station HTM, Hisar, under Sections 302/34 IPC, the first one having been dismissed on merits by this Court on 02.03.2022.

Learned counsel for the petitioner submits that the FIR in question was registered by Munna Lal (father-in-law of the petitioner); that the alleged incident took place on 17.09.2018, whereas the present FIR was lodged on 20.04.2021 i.e. after a delay of more than 2 years 7 months and that deceased, Raj Kumar, was the husband of the petitioner. He further submits that as per the prosecution version, no stain of any stick injury was found on the head of the deceased; that injuries No.2 and 3 could be possible with the stick only and that no injury could be inflicted with the Chunni.

Learned counsel for the petitioner further submits that the cause of death was failure of brain and vital organs, due to SDH and SAH, blunt force impart to head, concomitant with attempted manual strangulation and that liquor was consumed by the deceased before his death. He further submits that the petitioner has been in custody since 24.04.2021 with her one minor daughter and her second daughter is being looked after by One Stop Centre.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute her custody period. She, however, submits that there are specific allegations against the petitioner, who had committed murder of her own husband. She further submits that out of 24 prosecution witnesses, 6 have already been examined.

I have heard the learned counsel for the parties.

The petitioner, along with her minor daughter, has been in custody with her one minor daughter since 24.04.2021 and her second daughter is being looked after by One Stop Centre. The FIR was lodged after a delay of two years and seven months. As per the disclosure statement of the petitioner, on 16.09.2018, Raj Kumar (since deceased) after consuming the liquor pressurized her to make a compromised position with one Rakesh, from whom he had taken Rs.50,000/- and when she refused to do so the deceased abused her. As per the medical opinion, the cause of death of Raj Kumar was failure of brain and vital organs. Most of the prosecution witnesses are yet to be examined.

In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

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

08.02.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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