

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28726 of 2022(O&M)
Date of Decision: 21.03.2023

Madhu

...**Petitioner**

Versus

State of Haryana

...**Respondents**

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Suneet Kumar, Advocate
For the petitioner.**

Mr. Naveen K. Sheoran, DAG Haryana.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 59 dated 30.01.2020, registered under Sections 302, 379-B and 120-B IPC at Police Station Samalkha, District Panipat.

Status report by way of affidavit of Pardeep Kumar, Deputy Superintendent of Police, Samalkha filed on behalf of State along with Annexures R-1 to R-6, are taken on record.

The allegations in nutshell are that complainant Bal Kishan reported to the police that his brother-in-law Ravinder left the house along with his e-auto rickshaw owned by him on 29.01.2020 and thereafter Ravinder never came back and later on his dead body was recovered. During investigation, police recovered the aforesaid e-auto rickshaw from co-

accused Sanjay who is the husband of the present petitioner. The present petitioner was also arrested and is in custody since 11.07.2020.

The counsel for the petitioner, *inter alia*, submits that the petitioner was not named in the FIR and is having no criminal history and is in custody for the last more than 02 years and 08 months. The counsel for the petitioner further submits that during investigation no incriminating article was recovered at the instance of the petitioner and further during trial all the material witnesses are examined and the entire case is based on circumstantial evidence but it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail.

The present petition is resisted by the State counsel who submits that the petitioner was part of conspiracy which was hatched by her husband Sanjay from whom the police recovered e-auto rickshaw of the deceased, after his arrest. The State counsel further submits that the trial is progressing ahead and all the material witnesses stand examined. However, the State counsel has not disputed the fact that FIR in this case was registered against unknown persons who committed murder of brother-in-law of complainant. The State counsel has also not disputed that the petitioner is in custody for the last more than 02 years and 08 months and no weapon or any other incriminating article was recovered from the possession of the petitioner and that the entire case is based on circumstantial evidence.

I have considered the submissions made by counsel for the parties.

Admittedly, the FIR in this case was registered against unknown persons who murdered Ravinder and took away his e-auto

rickshaw. During investigation, the petitioner was arrested and she is in custody for the last more than 02 years and 08 months and no incriminating article was recovered from her possession during the investigation of this case. The entire case is based on circumstantial evidence and already material witnesses are examined. So, there is no apprehension that if released on bail the petitioner is going to influence the complainant and other material witnesses. No doubt the trial is going on, but it will take considerable time for the trial to conclude. So, no purpose is going to be served by detaining the petitioner in custody for any longer period.

Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

21.03.2023

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**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No