

CRM-M-32046 of 2023
Date of Decision: July 28, 2023

Sunita ...**Petitioner**
Versus
State of Haryana ...**Respondent**

Present:- Mr. Rajesh Bansal, Advocate for the petitioner.
Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail in case FIR No.0732 dated 24.12.2019, under Section 346 IPC (later on during investigation Sections 148, 149, 201, 302, 396 of Indian Penal Code, 1860 added and Section 346 of Indian Penal Code, 1860 deleted) at Police Station Quilla Panipat, District Panipat.

2. Mohammad Aslam (deceased) S/o Mufsil was deputed as DBO in Bandhan Bank, DSC Panipat-2, Model Town, Panipat, where Nimai Sarkar was the manager. On 23.12.2019, said Mohammad Aslam went for collecting loan installments at Babail Road, Bharat Nagar and as per inquiry, he had collected an amount of ₹91,855/-. He was also having HHD machine, mobile phone and other papers. He went missing and his mobile phone was found switched off. On 24.12.2019, present FIR was lodged under Section 346 IPC on the complaint of Nimai Sarkar regarding missing of Mohammad Aslam. On 26.12.2019, dead body of an unknown person was found in nallah of village Raja Kheri, which was kept in Civil Hospital, Panipat. On 27.12.2019, the dead body was identified to be that of

Mohammad Aslam. Mohd. Mufsil, father of deceased then made a complaint (Annexure P-5), stating therein that his son had gone to the house of Sunita W/o Vinod to collect the loan installments and thereafter, he went missing and on making inquiries by him at personal level along with the bank officials, they were sure that Sunita (present petitioner) in conspiracy with her son Vijay, Paras S/o Sat Narain, Gaurav S/o Surjit and Arvind S/o Rambir had killed him (Mohammad Aslam) and looted the collected loan installments of ₹91,855/-, HHD machine, mobile phone and other papers.

3. (a) Investigation was carried out. Call details record of deceased was obtained. Postmortem on the dead body of Mohammad Aslam was got conducted and as per post-mortem report, the cause of death was disclosed to be combined effect of head injury, asphyxia secondary to constriction of neck structures by a ligature & burning. Arvind, Gaurav and Vijay were arrested on 27.12.2019 and they suffered disclosure statements.

(b) As per disclosure statement of co-accused Arvind, he, Vijay and Parsu Ram @ Paras were friends. Parsu Ram @ Paras was residing on a rented room adjacent to the room of Sunita (petitioner) at Bharat Nagar. Sunita (petitioner) had taken loan. Bank worker Mohammad Aslam (deceased) used to collect installments of loan. Sunita (petitioner) told her son Vijay and Parsu Ram @ Paras regarding collection of huge amount of installments of loan by Aslam and that they made a plan to commit his murder and loot money from him. It was stated further that on 23.12.2019, as per plan, Sunita (petitioner) made a telephonic call to

Mohammad Aslam and called him to her room. Parsu Ram @ Paras administered sleeping medicines, making him unconscious. Then Arvind, Parsu Ram @ Paras and Vijay took Mohammad Aslam to the room of Parsu Ram @ Paras, where a stone was hit on the head of Mohammad Aslam and he was also strangled with scarf by Parsu Ram @ Paras supplied by Sunita. Vijay also strangled him with electric wire. They snatched ₹91,855/-, mobile phone, machine and other documents. On the three-wheeler of one Arif, dead body was taken in a bag and thrown in the nallah. The dead body was also put on fire to destroy the identity. He also disclosed about the distribution of money and other articles amongst them. Based on the disclosure statement, recoveries were got effected from them.

(c) Petitioner - Sunita was arrested on 27.12.2019, who also suffered a disclosure statement disclosing the manner, in which she remained involved in the crime in conspiracy with Parsu Ram @ Paras and others. Parsu Ram @ Paras was arrested on 31.12.2019, who also suffered disclosure statement on the same lines and apart from demarcating the place of crime, he got effected recovery of ₹15,000/-, three-wheeler; and documents of the deceased Mohammad Aslam.

(d) After completion of investigation, final report under Section 173 Cr.P.C. was filed to prosecute Parsu Ram @ Paras, besides Sunita (petitioner), Vijay, Gaurav and Arvind. Charges were framed on 25.02.2021.

4. It is contended by learned counsel for the petitioner that co-accused Parsu Ram @ Paras has already been allowed regular bail by this

Court vide order dated 05.05.2023 in CRM-M-40713 of 2022. It is contended that case of the petitioner is on better footing as no recovery was effected from the petitioner. Besides Parsu Ram was attributed to have strangled the deceased.

5. Learned State Counsel has opposed the bail petition by pointing out towards the nature of crime and role of the petitioner during her disclosure statement and the other circumstantial evidence connecting her with the crime. Learned State Counsel submits that it is towards the house of the petitioner to which the deceased had initially gone. However, it is conceded that petitioner is in custody for the last more than 03 years and 06 months. It has also been informed that out of 27 prosecution witnesses, 11 have been examined so far.

6. I have considered the submissions of both the sides and have perused the record.

7. The case is admittedly dependent upon circumstantial evidence. There is no last seen evidence. Co-accused Parsu Ram who was attributed to have strangled the deceased, has already been allowed bail. Attribution to the petitioner is that she had handed over the scarf to Parsu Ram. Petitioner is in custody for the last 03 years and 06 months and 29 days as per the custody certificate placed on record. Trial is going at very low pace and so may take time to conclude. Petitioner is not involved in any other case as per the custody certificate.

8. Having regard to the aforesaid circumstances but without commenting anything further on the merits of the case, present petition is allowed. Petitioner is ordered to be released on bail on her furnishing bail

bonds and surety bonds to the satisfaction of learned Trial Court/Chief
Judicial Magistrate concerned. Nothing expressed in this order shall be
taken as opinion of this court while deciding the case on merits.

July 28, 2023

(DEEPAK GUPTA)

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JUDGE

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