

236

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

**CRM-M-32326-2023
Date of Decision: 13.07.2023**

Sangeeta

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.361 dated 29.09.2021, under Section 307 & 302 IPC, registered at Police Station Safidon, District Jind.
2. Learned counsel for the petitioner has submitted that the petitioner is a lady of the age of 28 years and this is her third successive bail petition and the earlier two bail petitions were dismissed as withdrawn. He further submitted that now the custody of the petitioner is almost 1 year and 8 months since she was arrested on 17.11.2021. He also submitted that now 6 witnesses have already been examined including the husband of the petitioner and the other near relatives, who are the material witnesses and they have not supported the prosecution version and have been declared as

hostile. He further submitted that it is a case where although the FIR was lodged on the basis of the statement made by the deceased before the learned Magistrate that the petitioner had put the deceased who was her mother-in-law on fire who sustained 30-40% burn injuries, but the deceased mother-in-law did not die because of the burn injury and it is yet to be established at the time of trial as to what was the cause of her death. He further submitted that the burning took place on 27.09.2021 and the statement of the deceased was recorded in the month of November, 2021 whereas the deceased, mother-in-law of the petitioner, died on 15.12.2021, after about three months and rather she was discharged from the hospital on 07.10.2021, on the basis of the request made by the husband of the petitioner, who is the son of the deceased against the medical advise and it was recorded by the doctor as LAMA. He further submitted that the cause of the death was not the burn injury and it is yet to be established at the time of trial, and therefore, has prayed that the petitioner may be considered for the grant of regular bail. He also submitted that the petitioner has three minor children including 2 year old minor daughter.

3. On the other hand, Mr. Vishal Kashyap, learned Deputy Advocate General, Haryana, has submitted that so far as the custody of the petitioner is concerned, the same is not disputed and she was arrested on 17.11.2021 and 6 witnesses including the husband of the petitioner, who is the son of the deceased and the other near relatives have already been examined and they have not supported the prosecution version. He has however opposed the grant of bail to the petitioner on the ground that the deceased had given a statement before the Magistrate that the petitioner had

put her on fire.

4. I have heard the learned counsels for the parties.
5. The petitioner is stated to be a lady of the age of about 28 years and has already faced incarceration for almost 1 year and 8 months. Six prosecution witnesses have already been examined and as per the learned counsel for the parties, they have not supported the prosecution version. The petitioner is stated to be having three children including 2 year old minor daughter. Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence.
6. In view of the aforesaid totality of the circumstances of the case, this Court deems it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.
7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

13.07.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |