

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32197-2023 (O&M)

Date of Decision:31.07.2023

Vinita

. . . . Petitioner

Vs.

State of Haryana

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Saurabh Sharma, Advocate, for
Mr. Saleem Ahmed, Advocate, for the petitioner.

Mr.P.K. Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J.

CRM-31297-2023

This is an application to place on record copy of General Diary
Details as well as Post Mortem Report of the deceased Vivek as Annexures
A1 and A2. Application has been moved in compliance of the previous
order dated 24.07.2023.

Application is allowed.

Annexures A1 and A2 are taken on record.

CRM-M-32197-2023

Prayer in this petition filed under Section 439 Cr.P.C. is for
grant of regular bail in case FIR No.332 dated 26.09.2019 registered at
Police Station Old Faridabad, District Faridabad under Sections 302, 201 &
34 IPC.

2. FIR was lodged on the complaint of Ram Saran, the father of
deceased Vivek. As per FIR version, Vivek @ Lalla (since deceased) used

to reside at the place of his in-laws near Chungi, Old Faridabad. On 08.08.2019, complainant received information about the death of his son. He reached the place of in-laws of Vivek and noticed injury marks on the dead body of Vivek. However, he was threatened by the in-laws of Vivek including Vinita (petitioner), the wife of the deceased, to be killed in case matter was reported to the police. Mobile phone of the complainant was snatched. Dead body was forcibly kept into the vehicle, which was taken by the complainant to his village. On his complaint to the villagers, postmortem of the body was got conducted, but police did not register FIR by stating that crime had not occurred in their area. On blank papers signatures of the complainant were taken. Thereafter, petitioner started residing at the matrimonial home in the village and threatened the complainant party that in case they reported the matter to the police, she will commit suicide. Petitioner and her family members also started demanding their share in the property.

3. Matter was investigated and involvement of the petitioner Vinita, her mother Jugnu @ Jamuna and father Krishan was found on the basis of disclosed statement suffered by them to have committed the murder of Vivek. As per prosecution, extra judicial confession was also made by the accused before the complainant party regarding the murder of Vivek.

4. It is contended by ld. counsel that petitioner has been falsely implicated simply because she was demanding her share in the property. It is further contended that there is no direct evidence against the petitioner and the case is dependent upon circumstantial evidence and the only

circumstance pleaded against the petitioner is her disclosure statement and alleged extra judicial confession, which is weak evidence.

5. Ld. State counsel has informed that out of 28 witnesses cited by the prosecution, 8 have been examined so far.

6. As per the custody certificate, petitioner is in custody for the last 3 years 8 months and 27 days. She is not involved in any other case. Case is dependent upon the circumstantial evidence. The disclosure statements and extra judicial confessions, on which the prosecution wants to rely, are to be tested during trial. Trial is proceeding at a very slow pace as only 8 witnesses have been examined so far out of 28.

7. Having regard to all the aforesaid facts and circumstances, but without commenting anything further on the merits of the case, petitioner is admitted to bail on her furnishing requisite personal bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

Allowed.

(DEEPAK GUPTA)
JUDGE

31.07.2023

Vivek

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