

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

CRM-M-41639-2021
Decided on : 30.11.2023

Madhu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rohit Choudhary, Advocate
 for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.291 dated 14.07.2020 under Sections 307, 34 IPC (Section 201 IPC added later on) registered at Police Station Kurukshetra University District Kurukshetra.
2. Learned counsel for the petitioners *inter alia* contends that it is a case resting on circumstantial evidence; the motive attributed to the petitioner to commit the murder of her husband Monu @ Rajesh is stated to have been her alleged illicit relations with co-accused Salender Kumar. Learned counsel while drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, has stated that the complainant i.e. father of the deceased while lodging the FIR had not even by way of whisper alleged anything against the petitioner much less suspected

her involvement in the murder of his son. Rather he had merely alleged that prior to the occurrence in question, a quarrel had taken place between the deceased and co-accused Salender Kumar and Sandeep Kumar; due to which both the co-accused were nursing a grudge against the deceased and had threatened him that they would not spare him. It was also alleged that on the fateful day when the deceased went missing the complainant had gathered information that the deceased had gone alongwith co-accused Salender Kumar and Sandeep Kumar towards the canal and thereafter, it was only co-accused Salender Kumar and Sandeep Kumar, who were seen coming back on the motorcycle and hence, he suspected that his son had been thrown into the canal by the co-accused. Learned counsel has asserted that it is not even the case of the prosecution that at the relevant time, the petitioner was anywhere present or had even accompanied the co-accused along with the deceased. Learned counsel has still further submitted that one PW-6 Pargat Singh, who had allegedly seen the co-accused Salender Kumar and Sandeep Kumar along with the deceased, riding motorcycle on the fateful day has since been examined before the trial court and thus, further incarceration of the petitioner, who had now been in custody since 17.09.2020, would serve no useful purpose as the trial was unlikely to conclude in the near future.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not been able to dispute that on the fateful day, as per the allegations levelled in the FIR, it was only co-accused Salender Kumar and Sandeep Kumar, who had accompanied the deceased

towards canal and only both of them were then seen returning from canal without deceased by PW-6 Pargat Singh. Learned State counsel has also not disputed that PW-6 Pargat Singh, who is the sole material witness of last seen, had since been examined. It has also not been disputed that in the FIR, which was lodged by the father of the deceased, no suspicion had been raised qua the involvement of the petitioner and it had been alleged that there had been some quarrel between the deceased and co-accused Salender Kumar, who had threatened him with dire consequences.

4. Heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has been in custody since 17.09.2020 and as informed by the State counsel, on instructions from SI Nafe Singh, 24 prosecution witnesses still remain to be examined. The complainant (father of the deceased) as well as “witness of last seen”, PW-6 Pargat Singh has already been examined before the trial Court. As further informed by the State counsel, PW-6 Pargat Singh while stepping into the witness box also did not state that the petitioner was seen by him accompanying the co-accused when they were seen riding together with the deceased towards the canal nor was she seen accompanying them back, after both the co-accused Salender Kumar and Sandeep Kumar had allegedly committed the crime by pushing the deceased into the canal.

6. In the facts and circumstances as enumerated hereinabove coupled with the fact that trial would take considerable time to conclude, this Court deems it fit to extend the concession of bail to the petitioner, who has now

been in custody since 17.09.2020. Accordingly, the instant petition is allowed.
The petitioner is admitted to bail to the satisfaction to the trial Court/Duty Magistrate concerned.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

30.11.2023
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(MANJARI NEHRU KAUL)
JUDGE

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