

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(211)

CRM-M-38552 of 2022
DATE OF DECISION:-27.02.2023

Seema

...Petitioner

vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sukhdeep Singh, Advocate,
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Vipul Joshi, Advocate, for the complainant.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.491 dated 31.07.2021 under Sections 306, 506, 34 IPC registered at Police Station Indri District Karnal (Haryana).

Learned counsel for the petitioner submits that investigation in the present case already stands concluded with the filing of *challan* on 10.08.2021 and even charges were framed way back on 06.12.2021, however, so far only one formal witness has been examined out of total 20 as cited by the prosecution. He further submits that petitioner is already behind the bars for a period of more than one and half years now and his further incarceration would be wholly unjustified in the aforesaid facts. Thus, the petitioner deserves concession of regular bail.

On the other hand, learned State counsel assisted by Mr. Vipul Joshi, Advocate, appearing for the complainant vehemently oppose the prayer made herein while submitting that serious allegations have been

made against the petitioner in the FIR who eloped with her neighbour namely Karanbir leaving behind the deceased and two minor kids which compelled the husband to commit this act.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

Once, the investigation in the present case has already been concluded with the filing of *challan* followed by framing of charges and even after expiry of more than 1 year 2 months, only one formal witness has been examined so far out of the total of 20 witnesses as cited by the prosecution, there is no justification for extending the incarceration of the petitioner any further. The allegations levelled in the FIR though, may be serious, are yet to be established during trial. Thus, the petitioner deserves the concession of regular bail.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

27.02.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No