

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

220

CRM-M-37726-2023

Date of decision: 09.08.2023

Anita Devi

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Atul Goyal, Advocate
for the petitioner

Mr. H. S. Sullar, Sr. DAG, Punjab

AMAN CHAUDHARY. J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.210 dated 03.11.2020, registered under Section 302 IPC (Sections 120-B and 201 IPC added later on) at Police Station City Jodhewal, District Police Commissionerate Ludhiana.

2. Learned counsel contends that the petitioner, aged 25 years, has been in custody for the last 2 years and about 7 months. She was not named in the FIR and the deceased, Raju Bosak, was her husband. As per the allegations, the offence was got committed by co-accused Ashok Kumar Bosak, through co-accused Azad Alam and Pawan Kumar, who had caused fatal injuries to the deceased. The above accused have been enlarged on bail by this Court vide orders dated 02.05.2023 (Annexure P-12), 20.09.2022 (Annexure P-10) and 14.12.2022 (Annexure P-11), while noting that the statements of two prosecution witnesses had been recorded. Jaswinder Singh, PW-1 had not supported the case of the

prosecution and had rather stated that he never made any statement before the police and Dalbara Singh @ Dilbagh Singh, PW-2 was declared partly hostile. It was also observed in the above orders that moot point during the course of the trial as to whether the petitioner (therein) could be convicted on the basis of said evidence of PW-1 and PW-2 and other evidence to be led by the prosecution or not. Charges have been framed on 28.02.2022 and 20 PWs are still to be examined. The petitioner is not involved in any other case.

3. The custody certificate dated 08.08.2023 filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for the last 2 years 7 months and 6 days.

4. Learned State counsel opposes the bail on the ground that the petitioner had motive on account of the fact that she was having an extra marital affair with her brother-in-law, the co-accused. However, he is unable to controvert the submissions with regard to examination of two witnesses, out of whom one has turned completely hostile and the other partially, as well as the stage of the case, co-accused have been granted bail and the petitioner being not involved in any other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner has been in custody for the last 2 years 7 month and 6 days; she being not involved in any other case; co-accused have been granted bail; charges were framed on 28.02.2022; 20 prosecution witnesses remain to be examined; the trial is likely to take considerable time, thus, her further incarceration would not serve any useful purpose, as such, the present petition for grant of regular bail

deserves to be allowed.

7. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to her furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to her not being required in any other case. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, she is an accused, or for commission of which she is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse her liberty.
- (vii) The petitioner shall furnish her address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. It is made clear that in case of any infraction of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

09.08.2023
Mehak

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