

222

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

**CRM-M-43296-2022
Date of decision : 31.10.2023**

RUCHI

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Sharmila Sharma, Advocate
for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.575 dated 06.09.2021 registered for the offences punishable under Sections 302 IPC (Section 201 read with Section 34 of IPC added later on) at Police Station Samalkha, District Panipat.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. Status report by way of affidavit of Om Parkash, HPS, Dy. Superintendent of Police, Samalkha, District Panipat has been filed on behalf of respondent-State of Haryana today in Court. The same is taken on record.

4.. The FIR was registered on the statement made by one Suresh

son of Lakhmi Chand who stated as under :

“xxx I am resident of above address and do a private job. Naresh son of Krishan is my cousin, I received a telephonic call from his mobile number at about 2:30 in the morning, and Ruchi wife of Naresh has told that Naresh has not come at home. If you know about his whereabouts kindly tell. At that time I was parked at Park Hospital. Again at 5:30 I received a call and she told that Naresh son of Krishan is lying in the street. When I asked them to take him home in the meantime I received a call from my Cousin Rajesh, who told that Naresh is lying dead in the street blood soaked and there are injuries on his forehead. I asked them to put his body on a cot and informed police. When I reached home I came to know that Naresh son of Krishan and Narinder son of Balbir were having liquor in the night. Post mortem of Naresh son of Krishan be got conducted to find out cause of death. Statement got recorded which is correct.xxx”

5. Counsel for the petitioner submits that it is a case of circumstantial evidence and there is no eye-witness account. Most of the witnesses having not supported the prosecution are stated to have turned hostile. Trial has already proceeded considerably as 16 out of 23 cited witnesses already stand examined. The petitioner is behind bars for more than 2 years, 1 month and 22 days. The only incriminating evidence even as per the prosecution version against the petitioner is one CCTV footage wherein there is a movement of Nitesh @ Chintu the co-accused which itself is not sufficient to drive-home the guilt of the petitioner.

6. State Counsel does not dispute the aforesaid factual assertions made by counsel for the petitioner based on record.

7. I have heard counsel for the parties and have gone through

records of the case.

8. In view of above, without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

October 31, 2023
Dpr

(Pankaj Jain)
Judge

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