

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CRM-M-48142-2023

Date of Decision.:30.11.2023

Babli

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Davneet Sangwan, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.324 dated 26.10.2019 registered under Sections 201, 302 of the IPC registered at Police Station Kunjpura, District Karnal.

2. As per the prosecution allegations, dead body of Salinder son of Chandu Ram was found on 26.10.2019. His wife Seema lodged an FIR stating that her deceased husband Salinder was having illicit relations with a woman namely Babli (petitioner); that her husband had left home on 25.10.2019 at about 06:00 a.m. and on the next date she came to know about the lying of his dead body. Suspicion was raised that petitioner- Babli along with Vinod Pandit had committed the murder of her husband. Necessary investigation was conducted. Petitioner was arrested on 13.11.2019. As per the disclosure statement, deceased had come to her home in drunken

condition and at that time 'S' (son of Babli) came home. She felt ashamed. She called her brother Billu and she along with Billu and 'S' hatched conspiracy and committed murder of Salinder. In the investigation, Vinod Pandit was found innocent and challan was filed against Billu, Babli (petitioner) & 'S' Child-in-conflict with law.

3. It is contended by learned counsel that petitioner is in custody for the last 04 years and 14 days; that there is no eye-witness account; that PW-1 Mahender & PW-2 Gulshan have clearly stated that nothing happened in their presence.

4. It is also informed by learned State counsel that complainant of the case Seema had already expired.

5. Apart from above, learned counsel for the petitioner has also drawn attention towards the fact that co-accused 'S' has already been allowed bail vide order dated 06.07.2023 passed in CRM-M-20054-2023 (O&M). Besides co-accused Billu, who is similarly placed has already been allowed bail by this Court vide order dated 01.02.2023 passed in CRM-M-4324-2023.

6. Status report by way of an affidavit of Shri Subhash Chander, HPS, Deputy Superintendent of Police Indri (Karnal)

7. The aforesaid contentions could not be refuted by learned State counsel to the effect that case of the petitioner is on parity with that of co-accused Billu, with the only difference that petitioner was named in the FIR. Custody certificate placed on record by learned State counsel reveals that petitioner is in custody for the last 04 years 14 days with no other

criminal case pending against her.

8. Having regard to the above facts and circumstances and on the basis of parity also, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on her furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

November 30, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No