

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

CRM-M-48930-2022 (O&M)

Date of decision 18.04.2023

MUKHTIARO BAI @ MUKHTIYARO BAIPETITIONER

Verses

STATE OF HARYANA ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Divya Godara, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J (Oral):

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.09 dated 15.01.2020 registered under Section 302 IPC at Police Station Sadar Sirsa, District Sirsa. The petitioner is in custody since his arrest on 16.01.2020.

The above FIR was registered on the basis of statement of Rajjo wife of Mangal Ram who alleged that her sister Pyaro Bai was residing in village Chakriyan being married with Joginder Singh and her husband had died 2 years ago. Son of her sister, namely, Amarnath was married to Mukhtiyaro Bai and the relations between the complainant's sister and Mukhtiyaro Bai were not cordial who were residing separately in the same house. On 15.01.2020 around 2:00 pm-2:30 pm, Bishamber, relative of her sister, informed the complainant that her sister has died. The complainant alongwith Bishamber reached the house of Pyaro Bai and saw her dead body lying on a cot in the courtyard with head injuries. She

suspected involvement of Mukhtiyaro Bai and prayed for legal action.

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Learned counsel for the petitioner has argued that the case of the prosecution is founded upon hear say evidence and there is no eyewitness of the alleged occurrence and this shows that the petitioner has been falsely implicated. Learned counsel for the petitioner has pointed out that though the charges were framed on 25.02.2021, but till date the trial has not concluded as only six witnesses have been examined out of total fifteen witnesses cited by the prosecution. According to the learned counsel, the petitioner is not involved in any other case, therefore, he prays for her release on regular bail.

The prayer is opposed by learned State counsel assisted by S.I. Tara Chand, who has argued that the alleged crime took place in the house where the petitioner was residing together with the victim (mother-in-law) and the weapon of offence (wooden danda) was recovered upon the disclosure suffered by the petitioner. He submits that the allegations against the petitioner are serious, therefore, she does not deserve the concession of regular bail.

After hearing learned counsel for the parties and considering the background of this case, this Court finds that in all there are fifteen witnesses but so far only six witnesses have been examined including the examination-in-chief of the complainant. The material witnesses are either the close relatives of the victim or police officials and at present there is nothing on record to indicate the possibility of there being won over. The petitioner is in custody for the last more than 3 years and the conclusion of trial is likely to consume considerable time, therefore, further detention of the petitioner, who is a lady, behind the bars would not serve any purpose.

Resultantly, without commenting on the merits of the case, it is ordered that the petitioner be released on regular bail, subject to furnishing bail bonds/surety to the satisfaction of the learned trial

Court/Duty Magistrate concerned.

18.04.2023
neelam

(MANOJ BAJAJ)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>