

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

219

CRM-M-50500 of 2022
Date of Decision:25.01.2023

Gunjan @ Gunjan Guaba

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Suvir Sidhu, Advocate,
for the petitioner.

Ms. Nidhi Garg, AAG, Haryana

Mr. Abhimanyu Singh, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.0158 dated 17.06.2021, under Section 302 IPC (charges were in fact framed under Sections 302 and 201 IPC), registered at Police Station New Colony, District Gurugram.

It has been submitted by the learned counsel for the petitioner that the petitioner is a lady of the age of 35 years and she has been falsely implicated in the present case at the instance of the complainant. He submitted that as per the allegations, the daughter namely Lavanya of the deceased Sachin, who was the husband of the petitioner had called her uncle who is the complainant that the

deceased is lying in a pool of blood and when the complainant reached at the spot then he saw the petitioner who is his sister-in-law there. He submitted that the entire case was based upon circumstantial evidence and it is otherwise also based upon the information given by the aforesaid Lavanya who was minor of the age of 12 years at that point of time. He submitted that now the trial has already commenced and 14 prosecution witnesses out of cited 22 witnesses have already been examined, including the aforesaid Lavanya who while deposing before the Court had not supported the prosecution version and has stated that she was sleeping in her bedroom and not called anybody and therefore she has been declared as hostile. He submitted that in view of the aforesaid circumstances, the petitioner may be considered for the grant of regular bail.

On the other hand, Ms. Nidhi Garg, learned AAG, Haryana has opposed the grant of bail to the petitioner on the ground that the matter is serious in nature and the petitioner cannot be granted bail only on the testimony of the minor girl because there are chances that she may have been tutored by somebody as she is residing with her maternal grand-parents and as per the allegations the petitioner had given knife blow to the deceased and considering the seriousness of the matter, the petitioner is not entitled for the grant of regular bail.

Mr. Abhimanyu Singh, learned counsel appearing on behalf of the complainant has also opposed the grant of bail to the petitioner on the ground that the other prosecution witnesses have supported the prosecution version.

I have heard the learned counsel for the parties.

The petitioner is stated to be a lady of the age of 35 years and she has faced incarceration from 20.06.2021 which is almost 1½ years. In the present case,

14 prosecution witnesses out of 22 have already been examined and as per the prosecution story, the aforesaid Lavanya had called the complainant that the deceased was lying in the pool of blood but at the time of deposition, she had stated that she was rather sleeping in the room and did not support the prosecution version. This Court does not wish to go into the merit of the present case but only for the purpose of considering the grant of regular bail to the petitioner, this Court is of the view that considering the fact that the petitioner is a lady of the age of 35 years and has faced incarceration for about 1½ years and 14 witnesses have already been examined, this Court deems it fit and proper to grant the concession of regular bail to the petitioner. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

January 25, 2023
dinesh

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