

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

210

**CRM-M-54690-2022
Date of decision: 30.01.2023**

Pinki

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Chander Pal Tiwana, Advocate
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana assisted by
SI Dharampal.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.149 dated 04.11.2019 lodged under Sections 302, 201 and 120-B (Section 120-B of the IPC added lateron) of the IPC registered at Police Station Titram, District Kaithal.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been in custody since 05.11.2019 on the allegations of having conspired with co-accused Bhasha @ Subhash @ Rahul to commit the murder of her deceased husband. Learned counsel while drawing the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P/1, submits that on the fateful day, the husband of the petitioner had left his house in the evening for getting medicine, however, since he did not return, a search was carried out and the deceased was found lying dead on a *katcha* path near bushes on the outskirts of the village with a cut mark on his neck.

Learned counsel submits that in the FIR suspicion was raised about the involvement of co-accused Bhasha @ Subhash @ Rahul in the murder of her husband and no suspicion even by way of a whisper was raised against the petitioner. Learned counsel submits that the petitioner was nominated as an accused pursuant to the disclosure statement of co-accused Subhash. Learned counsel submits that the false implication of the petitioner in the case in hand which admittedly is a blind murder, finds credence from the fact that the complainant while stepping into the witness box did not support the case of the prosecution and as a result of which he was declared hostile. He further submits that all the 07 material witnesses out of the 26 prosecution witnesses cited stand examined and hence in the circumstances, further incarceration of the petitioner, who is a lady, would serve no useful purpose.

Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions has not been able to dispute that as many as 07 prosecution witnesses out of the 26 including the complainant and other material witnesses stand examined and also that the complainant was declared hostile during trial as he failed to support the case of the prosecution. Learned State counsel has also not been able to dispute the submissions made by the counsel opposite that no allegations were levelled against the petitioner in the FIR in question nor any suspicion raised qua her involvement in the murder of the deceased. Learned State counsel has submitted that the petitioner was nominated as an accused only on the basis of the disclosure statement of co-accused Bhasha @ Subhash @ Rahul and the motive behind the crime was stated to be an alleged extra-marital

affair between him and the petitioner.

I have heard learned counsel for the parties and perused the material placed on record.

In view of the facts and circumstances as enumerated hereinabove, since all the 07 material witnesses stand examined and the complainant has turned hostile during trial, further incarceration of the petitioner would not serve any useful purpose moreso, since the trial shall take considerable time to conclude. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

30.01.2023

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(MANJARI NEHRU KAUL)
JUDGE

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