

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

CRM-M No.55126 of 2023
Date of decision: 8th November, 2023

Kiran

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sanjeev K. Bawa, Advocate for the petitioner.
Mr. Karan Jindal, Asst. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.330 dated 16.08.2022 under Sections 148, 149, 302 IPC and Section 25 of the Arms Act, 1959 (Section 201 IPC added later on) registered at Police Station Sector 14, District Panchkula.

2. Learned counsel for the petitioner inter alia submits that the petitioner has now been in custody for more than a year, having been arrested on 18.08.2022. While drawing the attention of this Court to the Challan, which has been annexed as Annexure P-2, learned counsel submits that even as per the case of the prosecution, the petitioner had not played any role, much less of either dragging the deceased inside her house or having inflicted any injuries on the person of the deceased. It has been further submitted that as per the investigation carried out by the

prosecution, the only allegation levelled against the petitioner was of having wiped off the blood which had splattered on the floor of the place of occurrence as well as the weapon of offence, i.e. knife. Learned counsel submits that since the petitioner has clean antecedents and even charges stand framed, her further incarceration would serve no useful purpose as none of the 22 witnesses cited by the prosecution have been examined so far. A prayer has therefore, been made for extending the concession of bail to the petitioner.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to controvert that the petitioner has been challaned only under Section 201 of the IPC. It has also not been disputed that the prosecution evidence has not yet commenced and is likely to commence on the next date of hearing fixed before the trial Court, i.e. 11.01.2024.

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

5. The petitioner has now been in custody since 18.08.2022 and there is no likelihood of the trial concluding in the near future as 22 witnesses have been cited by the prosecution and the evidence is yet to commence. In the facts and circumstances as enumerated hereinabove, coupled with the role attributed to the petitioner of having only removed the bloodstains from the floor of the place of occurrence, this Court, thus, deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction

of the trial Court/Duty Magistrate. 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.

(MANJARI NEHRU KAUL)
JUDGE

November 8, 2023

rps

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