

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213+109

CRM-M-58064-2022 (O&M)

Date of decision: 11.05.2023

Muskan

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Kunal Dawar, Advocate for the petitioner

Mr. Praveen Bhadu, AAG Haryana

AMAN CHAUDHARY. J.

CRM-21384-2023

For the reasons mentioned in the application, same is allowed.

Annexure P-5 is taken on record, subject to all just exceptions.

CRM-M-58064-2022

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.161 dated 24.03.2022, registered under Sections 306, 34 IPC, at Police Station Adarsh Nagar Ballabhgarh, District Faridabad, Haryana.

2. Learned counsel contends that the petitioner is in custody for the last 10 months. The deceased was brother-in-law of the petitioner. She has been falsely implicated in this case. There is no specific allegation against her. No suicide note has been shown to have been found. The ingredients of the offence are not made out. She is not involved in any other case. The complainant has since been examined and declared hostile. 15 more witnesses are yet to be examined.

3. Learned State counsel opposes the bail on the ground that the allegations against the petitioner are serious and is a case of abetting suicide. He is however unable to controvert the submissions with regard to the custody, the petitioner is not involved in any other case, stage of trial as well as the fact that the complainant has turned hostile.

4. Heard.

5. In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 10 months; not involved in any other case; the complainant has since been examined and did not support the prosecution case; 15 more prosecution witnesses remain to be examined, the trial is likely to take a considerable time, her further incarceration would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

6. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to her furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to her not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, she is an accused, or for commission of which she is suspected of.
5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6. The petitioner shall not in any manner misuse her liberty.
7. The petitioner shall furnish her address and mobile number to the

Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

8. The petitioner shall deposit her passport, if any, with the Trial Court forthwith and in case, she does not have the passport, she shall furnish a specific affidavit in this regard.

7. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

8. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

May 11, 2023
M.Kamra

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