

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CRM-M-59173-2022

Date of decision: 18.08.2023

Sunita

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jitender K. Sehrawat, Advocate for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.417 dated 30.04.2022 under Sections 147, 148, 149 and 302 of the (Section 34 of the IPC added and Sections 147, 148 and 149 of the IPC deleted lateron) registered at Police Station HTM Hisar, District Hisar.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner's false implication in the case in hand is evident from the fact that while stepping into the witness box both the material witnesses i.e. the complainant Sanjeev Kumar (brother of deceased Rajive) and eye witness Vikas (son of the deceased) did not support the case of the prosecution as a result of which they were declared hostile. In support, learned counsel has placed on record the deposition of both Vikas who stepped into the witness box as PW-4 and PW-6 Sanjiv Kumar. Learned counsel submits that since both the material witnesses stand examined and have been declared hostile during trial, further incarceration of the petitioner would serve no useful purpose as 15 prosecution witnesses

still remain to be examined.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite has submitted that there were specific allegations levelled in the FIR that the petitioner along with her relatives went to the house of the deceased and not only assaulted him but also inflicted knife blows as a result of which he died on the spot. However, he has not been able to dispute that both the material witnesses i.e. the complainant as well as the son of the deceased, who was an eye witness to the occurrence in question, had turned turtle during trial.

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

5. The petitioner has been in custody since 09.06.2022 and only 06 prosecution witnesses out of the 21 stand examined which also include both the material witnesses and as already noticed above they have failed to support the case of the prosecution. Further incarceration of the petitioner in the circumstances would serve no useful purpose. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. 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.

18.08.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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