

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

268

2023:PHHC:161030

CRA-S-3648-2023

Date of decision: December 14th, 2023

Parveen

.....Appellant

Versus

State of Haryana & another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Punit Malik, Advocate
for the appellant.

Mr. B.S. Virk, Sr. DAG, Haryana
for respondent No.1-State.

MANJARI NEHRU KAUL, J. (ORAL)

The present appeal has been filed by the appellant for grant of regular bail in FIR No.410 dated 03.06.2022 under Sections 302, 34 of IPC, 1860 and Section 3(2) (v) of the SC/ST Act registered at Police Station City Hansi, District Hansi.

2. Learned counsel for the appellant, *inter alia*, contends that it is a case resting on circumstantial evidence; the deceased was found lying dead on 31.05.2022 and it had been categorically stated by the complainant that his son i.e. the deceased had committed suicide by consuming some insecticide. However, strangely after five days of the occurrence in question, the father of the deceased came up with a version contrary to the one given at the time of inquest proceedings that he had learnt from his sources that the deceased had been murdered by the appellant-Parveen alongwith co-accused Ravi. Learned counsel has argued that since it is a case resting on circumstantial evidence, motive which plays a prominent role in such like cases had not even been spelt out by the complainant as to why the appellant would commit the

crime in question. It has been further submitted that the deceased was admittedly a well built man of 25 years of age and hence, it was improbable that he could have been forcibly administered insecticide and furthermore, while being administered insecticide, he would not have put up any resistance. However, the absence of any bruises/injuries on the person of the deceased, falsified the version brought forth in the FIR in question against the appellant. Learned counsel has further submitted that similarly situated co-accused Ravi had since been extended the concession of bail by this Court vide order dated 30.11.2023. It has also been submitted that after the appellant was arrested on 07.06.2022, all the five material witnesses including the complainant had been examined; 11 prosecution witnesses still remained to be examined and hence, there was no likelihood of the trial concluding in the near future.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from EASI Mahender, has not disputed that no suspicion was raised qua the involvement of the appellant or the co-accused in the crime in question at the time of the inquest proceedings. However, it has been submitted that a supplementary statement was made by the father of the deceased wherein he alleged that the appellant alongwith the co-accused had murdered his son. Qua the alleged motive for the appellant and the co-accused to commit the murder in question, learned State counsel has submitted that it had come during investigation that the girl friend of co-accused Ravi had been seen by the accused, in the company of the deceased, as a result of which they both had been nursing a grudge

against him.

4. On a pointed query put to the learned State counsel as to whether all the material witnesses had been examined, he, on instructions, has replied in the affirmative and has further submitted that the next date fixed before the trial Court is 18.01.2024 when some more prosecution witnesses out of the remaining 11 have been summoned to depose.

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

6. The appellant has been in custody since 07.06.2022. As not disputed by the learned State counsel, all the material witnesses including the complainant stand examined. The trial will take considerable time to conclude as 11 prosecution witnesses still remain to be examined.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it appropriate to allow the instant appeal.

8. Accordingly, the instant appeal is allowed. Appellant 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.

December 14th, 2023

ps

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No