

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

CRM-M-1003-2024

Date of Decision:-24.04.2024

Jyoti.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Rahul Deswal, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.366 dated 02.10.2022 under Sections 302 IPC (Sections 120-B, 201, 34 IPC added later on) registered at Police Station Barauda, District Sonipat.

2. The present FIR came to be registered at the instance of Vinod Kumar son of Suraj Mal and reads as under:-

“ To, Chowki Incharge Bhainswan Khurd, Police Station Barauda, Sonipat. Respected Sir, it is requested that I Vinod Kumar s/o Surajmal is rsiding at Village Mahmudpur, Tehsil Gohana, District Sonipat. We are six brothers and one sister, in which two brothers had already died and my elder brother namely Baljeet have two girls and one son, who all are married. My brother Baljeet's son namely Umesh and his wife namely Jyoti along with their sons are living at Vishavkarma Chowk, Gohana on rented accommodation before two years and Pardeep s/o Zile Singh is the owner of that house. Umesh was doing job in DBM

Private School, Village Madina as teacher. On 01.10.2022, the said Umesh was going his school on his Scooty bearing No. HR-11K-5090 colour white Marka Activa at about 8:00 Am but the said Umesh was not come back in the evening and the wife of said Umesh made telephone call to Umesh, upon this Umesh said that I came back at house after some time. Btu after much delay, the wife of Umesh again made call to the Mobile Number of Umesh i.e. 7988196826 but unknown person attended the phone call and told that this person is lying under Railway Bridge, after getting said information, all family members of Umesh searched Umesh and tried to make call to the number of Umesh but Mobile Phone of Umesh is switched. When we reached at Village Thaska under Railway Bridge then we saw the dead body of Umesh was lying beside the road and checked the same, we searched the Scooty and mobile phone of Umesh at there but did not found there. We suspicion that my nephew Umesh was murdered by some unknown person. Action may kindly be taken against the unknown persons. We are waiting for our relatives, who had come know. Now, I have submitted my written complaint. Action be taken. Sd/- Vinod Kumar, applicant."

3. During investigation, on the basis of suspicion one Gurbhej Singh a friend of the deceased was apprehended. His mobile phone was checked and it was found that he was in contact with the petitioner with whom he was having an illicit relationship as well as with his other co-accused namely Lovely and Rinku Ram.

Gurbhej Singh suffered his disclosure statement detailing the manner in which the offence had been committed with the aid of Lovely and Rinku Ram. He also got recovered his mobile phone.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The offence if any had been committed by Gurbhej Singh, Lovely and Rinku Ram and the recoveries of various articles had been effected from them. The purported

Whatsapp chat between the petitioner on the one hand and Gurbhej Singh on the other hand would not further the prosecution case but would only go to show that the petitioner was in contact with Gurbhej Singh. As the petitioner was a lady and in custody since 08.10.2022, she was entitled to the concession of bail as only 05 of the 26 Pws had been examined so far and she had clean antecedents.

4. The Counsel for the State on the other hand has filed a short reply by way of affidavit dated 19.04.2024 of Mr. Virender Singh, HPS, Assistant Commissioner of Police, Gohana, District Sonipat in court today, which is taken on record. While referring to the said reply he contends that the petitioner was in an illicit relationship with Gurbhej Singh. In order to do away with Umesh, husband of the petitioner, Gurbhej Singh along with his co-accused committed the offence in question. Therefore, the petitioner was not entitled to the concession of bail. He however concedes that the petitioner was a first time offender, in custody since 08.10.2022 and that only 05 of the 26 Pws have been examined so far.

5. I have heard the learned counsel for the parties.

6. Though there are Whatsapp messages and call detail records showing that the petitioner was in contact with Gurbhej Singh it would be a matter of adjudication during the course of the Trial as to whether the said evidence is sufficient to establish the guilt of the petitioner. As she is stated to be in custody since 08.10.2022 but only 05 of the 26 Pws have been examined so far therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required, moreso as she is a lady and a first time offender.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Jyoti wife of late Sh. Umesh is ordered

to be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 24, 2024
Vinay

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