



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CRM-M-2407-2023
Date of Decision : August 20, 2024

REEMA

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Aditya Sanghi, Advocate and
Mr. Himanshu Garg, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.320 dated 18.7.2022, Under Section 346 of IPC, later on Sections 302, 201 and 120-B IPC, were added and Section 346 IPC, was removed, registered at Police Station Kalankaur, District Rohtak.
2. The prosecution agency was set into motion on a complaint made by one Sanjay son of Om Prakash, who informed the police authority regarding missing of his mother, namely, Resham since 17.7.2022. Initially the instant FIR was registered under Section 346 IPC on 18.7.2022. Thereupon, the body of Reshma was recovered on dated 21.7.2022 and

Rohtash, who is brother of deceased-Resham (mother of complainant Sanjay) got recorded his statement, the relevant extract of the same reads as under:-

“That on dated 21.07.2022 brother of the deceased Resham namely Rohtash give an application to head constable Sushil wherein he stated that he had full apprehension that his nephew Sanjay had killed his sister Resham along with his family and the dead body of Resham was hide by them. It is relevant to mention here that no source of information was given by the brother of the deceased Rohtash that how he alleged that his nephew killed his sister. Moreover the motive was shown that 2 acres of land was in the name of his sister and for said 2 acres his nephew Sanjay killed his sister. It is relevant to mention here that the said 2 acres of land was even otherwise also should gone to the share of Sanjay as he is the only son of the deceased. Therefore the motive was shown wrongly by the brother of deceased Resham.”

3. On the basis of the above statement, the complainant was transposed as an accused and apart from that the present petitioner, who is wife of main accused Sanjay and one Sunil was also arraigned as accused in the FIR (supra). During investigation, Sanjay got recovered the dead body, motor cycle, plastic sack and one pillow.

4. On 25.7.2022, on the disclosure statement of Sanjay, offence under Section 120-B IPC, was added and further the present petitioner and Sunil were arraigned as an accused. During investigation, Sunil was found innocent. Even an application under Section 193 Cr.P.C. to summon Sunil as an additional accused was also dismissed by the learned trial Court concerned, vide order dated 25.4.2023. The Board of Doctors gave the following opinion:-

“We are of the opinion that the cause of death in this case is head injuries and its complications.”

SUBMISSIONS MADE BY THE LEARNED COUNSEL FOR THE PETITIONER.

5. Learned counsel for the petitioner in order to substantiate his arguments for the prayer of regular bail submits as under:-

i) Even as per the prosecution case, the petitioner was not the person, who either caused any injury to the deceased nor any role is attributed to her. The only allegation against the petitioner is that she was one of the conspirators;

ii) The petitioner has suffered incarceration of about 1 year and 7 days.

iii) The petitioner has been granted the relief of interim regular bail by a co-ordinate Bench of this Court vide order dated 13.10.2023 and thereupon on the directions issued by this Court, she surrendered back on 18.8.2024.

iv) The petitioner during the interregnum period did not violate any terms and conditions of the interim regular bail, as granted to her and is regularly appearing before the learned trial Court concerned;

v) No recovery, whatsoever, has been effected from the present petitioner.

6. On the other hand, the learned State counsel has opposed the grant of regular bail to the petitioner on the ground that she is one of the conspirators as per her own disclosure statement. He further submits that the petitioner has hatched the conspiracy with the main accused Sanjay and got killed her own mother-in-law. He also informs this Court on instructions imparted to him by ASI Shamsher Singh that out of total 25 witnesses cited in the final report, only two witnesses have been examined so far. However,



he has not disputed the fact that it was not the petitioner, who has caused any injury to the deceased.

7. This Court has considered the rival submissions made by the learned counsel for the parties concerned and is of the view that the petitioner deserves to be released on regular bail for the reasons (i) that she has suffered incarceration of about 1 year and 7 days as on date (ii) only two witnesses out of total 25 cited witnesses, have been examined till date and, therefore, the trial would take long time (iii) there is no allegation that the petitioner has caused any injury to the deceased, rather the allegations are against Sanjay, who is the husband of the present petitioner.

8. In view of the above discussion, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

9. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

10. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

August 20, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No