

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

234

CRM-M-4864-2024

Date of decision: 12.03.2024

Rozi Bala alias Gori

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Sahil Choudhary, Advocate  
for the petitioner.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

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**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.51 dated 05.02.2023 under Sections 302, 346, 201, 120-B of the IPC registered at Police Station City Thanesar, District Kurukshetra.

2. Learned counsel for the petitioner inter alia contends that in a case resting on circumstantial evidence, the petitioner has now been in custody since 25.02.2023; the sole material witness in the case in hand i.e. the complainant (brother of the deceased), who spelt out the motive for the co-accused to commit the crime in question, already stands examined and hence, her further incarceration would serve no useful purpose as 39 prosecution witnesses still remain to be examined. Learned counsel while drawing the attention of this Court to the FIR which has been annexed as Annexure P-1, has further submitted that initially the complainant had lodged a missing report qua the

disappearance of his brother i.e. the deceased; therein no suspicion much less by way of a whisper, had been raised qua the involvement of the petitioner in the disappearance of the deceased, who also happens to be her husband. Subsequently, during investigation when two co-accused Rahul and Ravi were arrested and the dead body was exhumed from a field where it had been buried by them, they made a statement that it was on account of co-accused Rahul's illicit relations with the petitioner, the deceased had been eliminated as he had been objecting to his wife's relationship with the co-accused. Learned counsel for the petitioner has submitted that it is not the case of the prosecution that the petitioner in any manner planned the murder of the deceased by either providing the co-accused with the weapon of offence or even for that matter being present anywhere in the vicinity of the crime on the fateful day. Learned counsel has submitted that in the aforementioned facts and circumstances, it is apparent that the petitioner, who is a 32 year old woman, has been falsely implicated in the instant case.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Surender, has submitted that no doubt, no suspicion was raised qua the involvement of the petitioner in either the disappearance of her husband on 04.02.2023 or in his murder at the hands of the co-accused, however, it was a matter of record that the petitioner had been having long telephonic conversations with her paramour i.e. co-accused Rahul; even on the day when the deceased went missing, there were call record details of the petitioner being in constant touch with co-accused Rahul. Learned State counsel has

asserted that the petitioner was thus a conspirator to the crime in question.

4. On a pointed query put to the learned State counsel as to whether any evidence had been collected by the investigating agency with respect to the active participation of the petitioner in the murder of her husband or she having been seen along with the co-accused on the fateful day, he, on instructions has replied in the negative. Learned State counsel on further instructions has, however, not disputed that the sole material witness in the case in hand i.e. the complainant already stands examined before the learned Trial Court. It has been submitted that the complainant while stepping into the witness box had deposed with respect to the alleged illicit relations between the petitioner and co-accused Rahul.

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

6. The petitioner has been in custody since 25.02.2023; 02 witnesses including the complainant stand examined, however, the trial is unlikely to conclude in the near future as 39 more witnesses cited by the prosecution are yet to be examined. The petitioner is not involved in any other criminal case. In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner would serve no useful purpose. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on her furnishing bail/surety bonds 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.

12.03.2024

(MANJARI NEHRU KAUL)  
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No