



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 16986 of 2024 (O&M)
Date of Decision: 27.05.2024

Sameena

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. Rajiv Sidhu, Deputy Advocate General, Haryana

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No.0047, dated 20.01.2023, under Sections 302 & 34 of IPC and Sections 12(1) & 12(5) of The Haryana Prevention of Unlawful Conversion of Religion Act, 2022, registered at Police Station Sector-58, District Faridabad, wherein she has been implicated against the alleged murder of sister of the complainant, namely, Twinkle.

[2] Learned counsel for the petitioner submits that the petitioner is in custody since 22.09.2023 and the trial of the case will take long time. He further submits that co-accused-Sattar (husband of the petitioner) has already been granted the concession of regular bail by this Court vide order dated 26.02.2024; thus, prayer is for grant of bail on parity basis.

[3] Learned State counsel vehemently opposes the prayer made on behalf of the petitioner, while submitting that the deceased was tortured by the family members of the petitioner. He further submits that a specific role has been attributed to the petitioner, who caught hold of the deceased alongwith her husband and their son Sharukh Khan hanged her; thus, prays for dismissal of the present petition.

[4] I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made by learned counsel for the petitioner.

[5] In the present case, investigation already stands concluded with the filing of challan, followed by framing of charges on 27.10.2023 and the petitioner is behind the bars since 22.09.2023, i.e. for the last more than eight months; however, none of the prosecution witnesses has been examined so far out of total 22 witnesses cited by the prosecution and thus, the conclusion of trial may take some time. Though in the FIR, the allegations have been levelled about the repeated beatings and torture to the deceased, however, learned State Counsel has not been able to point out even a single complaint from the side of the deceased or her family members against the petitioner or his family members. Moreover, no apprehension has been expressed by the prosecution as regards as any kind of threat to the witnesses. Also, the husband of petitioner, namely, Sattar, who happens to be the co-accused, has already been granted the concession of regular bail vide order dated 26.02.2024 (Annexure P-7) passed by this Court in CRM-M-63892-2023, titled "*Sattar Versus State of Haryana*". In view thereof, this Court does not find justification to extend the incarceration of the

petitioner any further.

[6] In view of the above, but without commenting upon merits of the present petition, the same is allowed. The petitioner is ordered to be released on bail subject to her furnishing adequate bail bonds / surety bonds to the satisfaction of the Trial Court/Illaqa Magistrate/Duty Magistrate concerned.

[7] It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

May 27, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>