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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-23049-2024
Date of Decision : August 13, 2024

POONAM -PETITIONER
V/S

STATE OF HARYANA -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Mandeep Singh, Advocate
for the petitioner.

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

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, the petitioner craves for indulgence of this Court for her being enlarged on regular bail, in case FIR No.191 dated 17.05.2021, under Sections 302, 201, 120-B and 34 of the IPC, registered at P.S. Rohtak Sadar, District Rohtak.
2. The genesis of the present FIR is embodied in a complaint made by one Bijender Singh (hereinafter referred to as the 'complainant'). Succinctly stated, the allegations levelled in the present FIR are that, the petitioner was having illicit relations with co-accused Anil Kumar @ Billi and she was living with him. Petitioner's co-accused Anil Kumar @ Billi took the petitioner's husband- Dharambir from his house, whereupon, he along with the petitioner committed the murder of Dharambir.
3. The learned counsel for the petitioner, in his craving for the relief of regular bail to the petitioner, makes huge dependence upon the depositions of the

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complainant and other independent material witnesses, namely, Rajesh Kumar and Ramesh, who became examined respectively as PW1 to PW3 before the learned trial Court concerned, inasmuch as, therein they have not supported the case of the prosecution, rather have turned hostile.

4. Nonetheless, the learned counsel for the petitioner submits that, apart from the disclosure statement of co-accused, the prosecution is not seized of any cogent inculpatory evidence against the petitioner, which could connect her with the alleged crime. Moreover, the petitioner's co/main accused accused Anil Kumar @ Billi, who is alleged to have committed murder of the deceased by causing him injuries, has already been granted the concession of regular bail by the learned trial Court itself, as is evident from Annexure P-6, therefore, the petitioner, who is only alleged to have conspired with the main accused, also deserves the concession of regular bail.

5. Finally, the learned counsel for the petitioner submits that the petitioner has suffered incarceration of approx. 02 years and she is not involved in any other case. Moreover, when there is no likelihood of the trial concluding any time soon, inasmuch as, out of total 33 prosecution witnesses, only 16 have been examined so far, therefore, no fruitful purpose would be served by keeping the petitioner behind the bars.

6. The learned State counsel has placed on record reply dated 06.08.2024 and custody certificate of the petitioner, and, he opposes the grant of bail to the petitioner, on the ground that, since the petitioner's husband was creating hindrance in the illicit relationship of petitioner and co-accused Anil Kumar @ Billi, therefore, she conspired with her co-accused and committed murder of her husband.



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7. Although the learned State counsel has opposed the grant of bail to the petitioner, however, he is not in a position to dispute the aforesaid fact that the complainant and other independent material witnesses (supra) have resiled from their version(s).
8. The custody certificate of the petitioner reveals that the petitioner has suffered incarceration of approx. 02 years and 01 month till 12.08.2024 and she has clean antecedents.
9. In view of the above, especially: (i) the complainant and other independent material witnesses (supra) making exculpatory depositions in respect of the petitioner and her co-accused; (ii) the period of incarceration suffered by the petitioner; (iii) the clean past antecedents of the petitioner; (iv) there being no likelihood of the trial concluding anytime soon, as 17 prosecution witnesses are yet to be examined; this Court deems it appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond 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 13, 2024
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(KULDEEP TIWARI)
JUDGE

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