

212

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43132-2023

Date of Decision:31.01.2024

Rekha

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S. ShekhawatPresent : Mr. Parveen Sharma, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to her in case FIR No.719 dated 06.11.2021 registered under Section 302 of IPC (Sections 201 and 120-B of IPC added later on), at Police Station Kharkhoda, District Sonipat.

2. Learned counsel for the petitioner contends that it was a case of blind murder and no one was named as an accused in the present FIR. As per story of the prosecution, co-accused Pardeep was allegedly arrested after several days and on the basis of the disclosure statement suffered by Pardeep, the petitioner was also arrested in the present case on 19.03.2022. As per learned counsel for the petitioner, the petitioner was not present at the place of occurrence and she had only conspired with Pardeep, co-accused. He further contends that as per the prosecution, the petitioner was having illicit relations with Pardeep as well as Satbir, since deceased and had no reason to hatch a

conspiracy with Pardeep, co-accused. Learned counsel further contends that the petitioner was admittedly not present at the place of occurrence in the present case.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had hatched a criminal conspiracy with Pardeep, main accused and in pursuance of the said conspiracy, Satbir was killed by Pardeep and other co-accused. As per learned State counsel, only 6 witnesses, out of total 28 witnesses, have been examined so far.

4. I have heard learned counsel for the parties and perused the record.

5. The FIR was initially registered against unknown persons and later on, Pardeep was arrested in the present case. Pardeep had named the petitioner as one of the conspirator with him in the present case. Further, only 6 witnesses, out of total 28 witnesses, have been examined so far and the petitioner is not in a position to influence the witnesses of the prosecution.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

31.01.2024
hemlata

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