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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.223

**CRM-M-42317-2024 (O&M)
Date of decision : 04.09.2024**

Dhan Devi

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Amit Jain, Advocate, for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of Bharatiya Nagrik Suraksha Sanhita, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.0266 dated 30.09.2022, under Sections 201, 302 & 34 IPC, registered at Police Station Bhondsi, District Gurugram.

2.1 The facts in brief are that a complaint was made by the complainant, namely, Roop Chand Maurya, wherein he alleged that his brother, namely, Banne Maurya (since deceased) had left his house on 14.04.2022 at 03:00 p.m. by saying that he was going to Ghaziabad and would return on Friday or Saturday. On 14.04.2022, the complainant had a conversation with his brother that he had reached the place of wedding. However, on 15.04.2022, when he called his brother, the same was answered by a female who disconnected the call immediately. Thereafter, his phone remained switched off. He made a request to investigate the matter and a FIR No.65 dated 21.05.2022, under Section 365 of IPC was registered.

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2.2 Thereafter, complainant expressed his suspicion with regard to Harish Pal son of Shri Ram Karan. Subsequently, Harish Pal and his wife Dhan Devi were taken to the Police Station Bhondsi, where upon interrogating Harish Pal and his wife Dhan Devi (petitioner) stated that on 14.04.2022, Banne Maurya had came to their room and when Harish Pal returned to his room, he witnessed Banne Maurya in a compromising position with his wife-Dhan Devi, after which he got angry and he along with his wife strangled Banne Maurya with a rope and buried the dead body in the vacant plot nearby their room.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. It is a case of circumstantial evidence, nothing is to be recovered from her and there is no evidence to connect the petitioner with the alleged offence. He submits that the petitioner has been nominated as an accused only on the basis of disclosure statement suffered by co-accused and the same does not inspire confidence. It has also been argued that if the petitioner was in a relationship with the deceased then there was no reason for her to strangle the deceased. He further submits that the petitioner is a mother of four minor children and she is in custody since 01.10.2022 and there is no other criminal case registered against her.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As

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year, 11 months and 03 days. He on instructions from SI-Manoj submits that challan has been presented and charges have been framed on 14.02.2023. The next date of hearing before the learned trial Court is 16.09.2024. He also submits that out of a total of 32 prosecution witnesses, 13 prosecution witnesses have been examined. He however, submits that in view of the serious allegations against the petitioner, she is not entitled to the concession of regular bail.

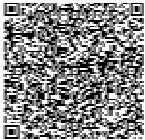
5. Heard the rival submissions made by learned counsel for the parties.

6. It is a case of circumstantial evidence. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, challan has been presented and charges have been framed. Out of a total of 32 prosecution witnesses, 13 prosecution witnesses have been examined. The petitioner has undergone an actual custody period of 01 year, 11 months and 03 days and is not involved in any other criminal case. Therefore, this Court is of the considered view that further incarceration of the petitioner will not serve any purpose.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

(I) The petitioner will not tamper with the evidence during the trial.

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- (II)

The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III)

The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV)

The petitioner shall not commit an offence similar to the offence of which she is accused of, or for commission of which she is suspected.
- (V)

The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence.
8.

In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.
9.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.
- Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

04.09.2024
Ramandeep Singh

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