



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

220

CRM-M-53945-2023

Date of decision: 10.12.2024

SEEMA

....Petitioner

V/s

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vikas Bishnoi, Advocate, for the petitioner.

Mr.Rahul Mohan, Sr.DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.1022 dated 12.12.2022 under Sections 302 and 201 of the IPC, 1860 (Sections 120-B and 34 of the IPC have been added later on), registered at Police Station City Yamuna Nagar, District Yamuna Nagar.

2. Status report by way of affidavit of Sh.Kanwaljeet Singh, HPS Deputy Superintendent of Police, (HQ) Yamuna Nagar, District Yamuna Nagar has been filed by learned State counsel on behalf of respondent-State. The same is taken on record subject to all just exceptions. A copy thereof has been furnished to learned counsel for the petitioner.

3. Learned counsel for the petitioner has reiterated the submissions made on the last date of hearing that no clear cut motive has come to the fore against the petitioner (mother of the deceased) to connive with the co-accused Tarsem Singh (step-father of the deceased) to carry out the murder of her son; rather the sole material witness i.e. brother of the deceased and son of the petitioner, while stepping into the witness



box as PW-7 had not supported the case of the prosecution, as a result of which he was declared hostile. Learned counsel has further submitted that since all the material witnesses, out of the 27 cited, stand examined, further incarceration of the petitioner, in the aforementioned facts and circumstances, would serve no useful purpose moreso when 18 prosecution witnesses still remain to be examined.

4. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. He, on instructions, has not disputed that the case of the prosecution rests on circumstantial evidence, however, it has been submitted that there used to be frequent altercations/confrontations between the deceased and his stepfather after he learnt that co- accused Tarsem Singh was not his real father.

On a pointed query put to the learned State counsel as to which witness spelt out the motive to commit the crime in question, he, on instructions has submitted that it was none other than the petitioner herself who on being arrested confessed to her involvement in the crime in question. Furthermore, it has been submitted that the petitioner helped the co-accused in destroying the evidence including disposing of the dead body of the deceased by chopping it into pieces and thereafter throwing it into a canal. However, learned counsel for the State has not disputed that the brother of the deceased and son of the petitioner while deposing as PW-7 before the trial Court had been declared hostile.

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

6. The petitioner has been in custody since 17.12.2022 in a case hinging on circumstantial evidence. As not disputed by the learned State counsel, on instructions, the only evidence collected against the petitioner to link her with the crime in question is her alleged confession made before the investigating agency. This Court would refrain from commenting upon the evidentiary value of the confession purportedly made by the petitioner before the investigating agency at this stage. However, since all the material witnesses stand examined, with 18 remaining to be examined, further incarceration of the petitioner would serve no useful purpose as there can now be no apprehension of the petitioner intimidating/ influencing the witnesses or tampering with the evidence.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his 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.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

December 10, 2024
poonam

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