

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

CRM-M-62773-2023
Decided on : 13.02.2024

Sonu

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sumit Singh Bairagi, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.33 dated 20.02.2023 under Section 302 IPC and Sections 25 & 27 of Arms Act (Sections 120-B and 195-A IPC added later on) registered at Police Station Badli, District Jhajjar.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner, who is a lady, has been falsely implicated in the case in hand for allegedly conspiring with the co-accused in the murder of Sudesh (hereinafter referred to as 'deceased'). While drawing the attention of this Court to the FIR annexed as Annexure P-1, it has been further submitted that it is a matter of record that neither was the petitioner named in the FIR nor any role attributed to her in the crime in question. It has still further been submitted that even the charges

against the petitioner have been framed only under Section 120-B IPC which leave no manner of doubt that she had not committed the murder and hence, she was innocent. Learned counsel has further submitted that the petitioner has now been in custody for the last about 10 months after being arrested on 06.04.2023; the trial is going to take considerably long time to conclude as none of the 35 witnesses cited by the prosecution has been examined till date. Hence, her further incarceration in the instant case would serve no useful purpose.

3. Per contra, learned State counsel, on instructions while controverting the submissions made by the counsel for the petitioner has submitted that the petitioner was an active conspirator in the murder of the deceased. She has further submitted that the petitioner had in fact been extending threats of dire consequences to the deceased not to depose against her accused husband, who too is an accused in the case in hand; there was enough documentary evidence collected by the investigating agency from which it was discernible that the petitioner had indeed been extending threats on mobile phones to the complainant party. Recovery of mobile phone had also been effected from the petitioner. Learned State counsel has, thus, contended that in case, the petitioner, who was one of main conspirators to the crime in question, was enlarged on bail, there was every likelihood that she would intimidate/influence the witnesses and even try to tamper with the evidence. While placing on record the custody certificate of the petitioner, learned State counsel has submitted that it is also a matter of record that the petitioner is involved

in another criminal case of similar nature, which fact has been withheld from this Court. Learned State counsel has apprised the Court that no doubt, the charges stand framed, however, the prosecution evidence is likely to commence only on 14.03.2024.

4. Heard learned counsel for the parties and perused the relevant material available on record.

5. *Prima facie*, there are serious allegations against the petitioner of having actively conspired with the co-accused in the murder of deceased Sudesh. Still further, there are allegations against her of trying to threaten the complainant party of dire consequences, in case, they depose against her in the present case. Hence, in view of the allegations and stage of trial, this Court does not deem it fit to extend the concession of regular bail to the petitioner. In addition, it is evident that the petitioner has not approached this Court with clean hands as the factum of her involvement in another case under Section 302 IPC has been concealed by her in the present petition. Accordingly, the instant petition stands dismissed.

6. 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.

13.02.2024
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(MANJARI NEHRU KAUL)
JUDGE

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