



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

222

CRM-M-1294-2025

Date of decision: 17th March, 2025

Seema

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Jamshed Ahmed, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 198 dated 27.03.2024 registered under Sections 302 and 120-B of IPC at Police Station Sector 10-A, Gurugram, District Gurugram, Haryana.

2. As per the prosecution case, on 27.03.2024, on receipt of an information regarding dead body of one Mukesh lying in the street of Basai Enclave Part-2, a police party reached at the spot. The dead body was taken to the mortuary of General Hospital, Gurugram. The complainant Bimlesh who was brother of the deceased-Mukesh, submitted a written complaint alleging therein that the petitioner, who was wife of the victim, was having illicit relationship with the co-accused Shekhar and the victim had informed about this fact to him some time back. The relations between the petitioner



and victim started remaining strained due to that reason. The victim had left the petitioner to his native village in the month of March, 2024 itself. He suspected that the victim had been eliminated by the co-accused Shekhar in connivance with the petitioner on account of their illicit relationship. FIR was registered. Investigation proceedings were initiated. Post-mortem examination of the dead body was conducted and the cause of death was opined to be strangulation. The petitioner and the co-accused were arrested on 28.03.2024. They were interrogated and suffered disclosure statements admitting their involvement in the murder of the victim. The petitioner got recovered her mobile phone. Investigation now stands concluded. The petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case on account of personal enmity with the complainant. She was residing in her village from the last one month prior to the date of occurrence and had come to Gurugram only along with the complainant after the death of her husband. She had cordial relations with her husband and there was no motive for her to hatch any conspiracy to murder him. There is no eye-witness to the factum of the murder of the victim. The case rests upon circumstantial evidence and there is no circumstance to connect her with the crime. She has small children and there is none to look after them. No specific overt act leading to homicidal death of the victim has been attributed to her. Disclosure statements allegedly suffered by the co-accused and herself are not admissible in evidence and cannot be taken into consideration. Her further incarceration would not serve



any useful purpose. With these broad submissions, it is urged that she deserves to be released on bail.

4. Status report has been filed by the respondent-State. It is argued by learned Assistant Advocate General, Haryana that there are serious and specific allegations against the petitioner. At the very first instance i.e. at the time of lodging of FIR itself by the complainant, she was alleged to be having a hand in the murder of the victim. Her complicity in this crime stands established from the call detail record of the petitioner and the co-accused, which shows that they were in regular touch. In connivance with the petitioner, co-accused had taken the victim along with him on the night of 26.03.2024, made him consume liquor and then strangled him. Even at that time, the petitioner was in contact with the co-accused via phone calls. Trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion thereof. Accordingly, it is urged that the petitioner does not deserve to be released on bail.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have hatched a conspiracy with the co-accused with whom she was allegedly having illicit relationship and in pursuance of that conspiracy, the co-accused Shekhar is alleged to have committed murder of the victim on 26.03.2024. As per the prosecution case, the call detail record of the cell phones of both the petitioner and the co-accused has been collected which shows their complicity with each other and that even at the time of occurrence, they were in touch. The allegations against the petitioner are quite serious in nature. Keeping in view the gravity



thereof, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petitioner does not deserve to be released on bail. Hence, the petition is dismissed.

7. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

17th March, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*