

2025:PHHC:058016



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

212

CRM-M-18852-2025

Date of decision: May 03, 2025

JYOTI

.....Petitioner

Versus

STATE OF HARYANA

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sahil Choudhary, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.286 dated 22.07.2022 under Sections 120-B, 201, 302, 34 of the IPC, 1860, registered at Police Station Madlauda, District Panipat (Annexure P-1).

2. Learned counsel for the petitioner submits that the petitioner, who is the wife of deceased-Kuldeep has been falsely implicated in the case at hand. It was the petitioner, who had initially lodged a missing report concerning her husband, however, in a strange twist of turns, the petitioner had been made an accused on the allegations that she, along with co-accused Sawan Kumar, had conspired to eliminate her husband since she and co-accused were in an illicit relationship. It has been submitted by the learned counsel that no incriminating evidence had been collected by the investigating agency to even remotely link the petitioner with the crime in question, much less of her alleged illicit relationship with co-accused Sawan Kumar, who has already been granted the concession of bail by this Court on 13.01.2025. It has been further submitted that as per the case of the prosecution, the deceased was last seen in the company of co-accused Sawan Kumar by PW Neeraj, before he went missing. Other than PW Neeraj, there was no evidence collected by the prosecution to connect the co-accused



Sawan Kumar with the alleged murder, however, the said witness PW Neeraj had not supported the case of the prosecution during trial, as a result of which, he was declared hostile. Learned counsel submits that in the aforementioned facts and circumstances, moreso when 8 prosecution witnesses still remain to be examined, further incarceration of the petitioner would serve no useful purpose as she has no previous criminal antecedents and there can be no apprehension of the petitioner intimidating/influencing any of the remaining witnesses.

3. *Per contra*, learned State counsel, on instructions, while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner nor has he, on instructions, disputed that the sole material witness in the present case i.e. PW Neeraj, who had allegedly last seen the deceased in the company of co-accused Sawan Kumar, had not only been examined before the learned trial Court but had also been declared hostile. Learned State counsel, however, has submitted that the petitioner and co-accused Sawan Kumar were in an illicit relationship, which primarily was the motive to eliminate the deceased, who was murdered by co-accused and was thrown in open fields. Learned State counsel, on instructions, has further submitted that the factum of the petitioner and co-accused being in an illicit relationship stands supported with a number of telephonic conversations, which had taken place between both of them prior to the crime in question.

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

5. The petitioner has been in custody since 27.07.2022 in a case resting on circumstantial evidence. The co-accused of the petitioner, who allegedly carried out the crime in question, as per the case of the prosecution, was seen by PW Neeraj with the deceased, however, PW Neeraj was declared hostile. No other material witness remains to be examined. The petitioner is alleged to be a conspirator to the alleged crime.



6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular 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.
8. 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.
9. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to her.

May 01, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*