



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

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CRM-M-29800-2025

Date of decision: 02.07.2025

Rajni

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Aman Pal, Advocate,
Mr. Rishabh Chaudhary, Advocate and
Mr. Rajender Kumar, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.41 dated 29.02.2024 under Sections 346 of the IPC (Sections 201, 202, 302, 34 and 120-B of the IPC added lateron) registered at Police Station Salhawas, District Jhajjar, pertaining to the alleged murder of Mahendra Singh (hereinafter referred to as 'the deceased'), who was the brother of the petitioner's father-in-law.

2. Learned counsel for the petitioner submits that the petitioner, who is a 28 year old woman, has been falsely implicated in the matter and that the prosecution case is based entirely on circumstantial evidence. It is contended that the deceased, a bachelor living alone, was reported missing by the brother-in-law of the petitioner, Sandeep, on 29.02.2024, leading to registration of the FIR



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under Section 346 of the IPC. During the course of investigation, intimation was received from one Rajesh Kumar, an ex-Sarpanch, regarding a dead body wrapped in a cloth bag lying near a lake. Upon recovery, the body was identified as that of the deceased, following which offences under Sections 302, 201 and 34 of the IPC were added.

3. It has been further submitted by the learned counsel that the name of the petitioner was introduced in the case solely on the basis of vague suspicion raised by the ex-Sarpanch, without any concrete incriminating material. According to the prosecution, the deceased was allegedly called to the residence of the petitioner, where co-accused Sandeep assaulted him with an axe, while the petitioner allegedly held the deceased during the assault. Thereafter, the dead body of the deceased was said to have been bundled in a cloth bag and disposed of in the lake.

4. Learned counsel for the petitioner has asserted that there is neither any witness to the deceased being last seen in the company of the petitioner, nor has any weapon of offence been recovered from her. No specific motive has been attributed to the petitioner. It has also been pointed out that the petitioner suffers from a major physical disability, and given her condition, it is improbable that she could have actively participated in the commission of the offence.

5. It has still further been submitted that the petitioner has been in custody since 20.03.2024. Investigation has since concluded and challan presented. Charges have been framed, but out of 21 prosecution witnesses cited, none have been examined till date. There



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is, thus, no immediate prospect of the trial concluding in the near future. Moreover, it has been asserted that the recovery of the axe (weapon of offence) is attributed solely to co-accused Sandeep, and no blood stains were found in the vehicle allegedly used for transporting the dead body from the place of occurrence to the lake. The only recovery attributed to the petitioner is that of a needle (*sua*) and a thread allegedly used to sew the cloth bag in which the body was found.

6. *Per contra*, learned State counsel while opposing the prayer and submissions made by counsel opposite, on instructions, has not disputed the custody period of the petitioner or the fact that after the charges were framed, none of the 21 prosecution witnesses have been examined so far. It has, however, been submitted that the petitioner, though suffering from some physical disability, held the deceased while co-accused Sandeep inflicted the fatal injury, and she also allegedly assisted in disposing of the body. It is further submitted that the motive arose from the deceased being a bachelor with property, which the accused allegedly sought to acquire.

7. On specific query, learned State counsel admitted that there is no last seen evidence against the petitioner and also conceded that the case rests on circumstantial evidence. However, on instructions, learned State counsel stated that during investigation, the accused confessed to the crime and it was following the disclosure statements made by the accused that recoveries of the weapon of offence i.e. an axe, was made from the house of the friend of co-accused Sandeep and the thread and needle used in sewing the cloth bag, were made.



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

9. It is evident that the case against the petitioner is founded on circumstantial evidence. The specific allegation against her is that she held the deceased during the assault by co-accused Sandeep, who allegedly inflicted fatal injuries with an axe. No overt-act of assault has been attributed to the petitioner. The recovery of the weapon of offence is following a disclosure statement made by co-accused Sandeep, and no material has been brought to the notice of this Court by the learned State counsel to show the direct participation of the petitioner in causing the fatal injuries.

10. The petitioner has been in custody since 20.03.2024. Investigation is complete, chargesheet has been presented, and charges have been framed. None of the 21 listed prosecution witnesses have been examined so far. In such circumstances, the trial is unlikely to conclude in the near future.

11. Furthermore, the petitioner, who is a woman, is stated to be suffering from a significant physical disability, which *prima facie* raises doubt regarding her capability to physically restrain the deceased and actively participate in the offence in the manner alleged. The absence of last seen evidence and the lack of any recovery of weapon or blood stained evidence from her further weigh in her favour at this stage.

12. Without commenting on the merits of the case, and taking into account the totality of circumstances, including the nature of allegations, the disability of the petitioner, long incarceration, and the



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stage of trial, this Court deems it fit to extend the concession of bail to the petitioner.

13. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on her 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.

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

02.07.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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