



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

CRM-M-49095-2024
Date of decision: 20.02.2025

Ganga

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ashish Jhamb, Advocate for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G. Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of BNSS 2023 seeking grant of regular bail in case having FIR No.177 dated 02.07.2023, under Section 302 IPC, registered at Police Station BPTP, Faridabad.

2. As per the allegations recorded in the FIR, complainant Shishpal reported to the police that his brother Bhup Singh was a mason and his wife had died. Bhup Singh started living with the petitioner, about 10 years back and petitioner and Bhup Singh shifted to Faridabad in March 2023. On 02.07.2023, he received information that the petitioner has murdered his brother Bhup Singh during the night time. He further reported to the police that Bhup Singh and the petitioner used to fight daily. During investigation, petitioner was arrested.

3. The counsel appearing on behalf of the petitioner submits that the entire case is based on circumstantial evidence and the petitioner was



falsely implicated in this case. That the statement made by the complainant before the police is a hearsay evidence. It is further submitted that even during trial, the complainant failed to identify the petitioner while appearing in the witness box as PW-1. That even PW-2 and PW-3 came to know about the incident in question after some time and as such their depositions are also not of much consequence. It is further submitted that the petitioner who is a lady is incarcerated for the last more than 1 year and 7 months and is having no criminal history and that all the material witnesses are already examined, but it will take time for trial to conclude. That further detention of the petitioner in judicial custody is not going to serve any purpose.

4. The present petition is resisted by the State counsel who submits that the petitioner is specifically named in the FIR. It is further submitted that there is ample evidence on the record that the petitioner was living with deceased Bhup Singh and they used to fight frequently and finally, petitioner strangled Bhup Singh to death. However, the State counsel has not disputed the fact that the petitioner is in custody for last more than 1 year and 7 months and that till date, prosecution has examined 10 witnesses (including the material witnesses) out of total 17 witnesses and that there was no eye witness to the incident in question.

5. I have considered the submissions made by counsel for the parties.

6. No one had witnessed the occurrence in question which took place during night time. The entire case is based on circumstantial evidence. As per the observation made by the trial Court while recording the statement of PW1 complainant Shishpal, accused Ganga Devi present

among four women was not correctly identified by the said witness. Admittedly, the petitioner is behind bars for the last more than 1 year and 7 months and is having no criminal antecedents. It is also apparent that it will take time for trial to terminate. As all the material witnesses are examined, there is no apprehension that in case the petitioner is released on bail, she is going to influence the key witnesses. In the given circumstances, no fruitful purpose is going to be served by keeping the petitioner in custody for any longer period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

20.02.2025
Yogesh

(KARAMJIT SINGH)
JUDGE

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