



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

212**CRM-M-52985-2024****Date of decision: 17.01.2025****RINKI**

....Petitioner

V/s

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Akshay Jindal, Advocate, for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 in case FIR No.226 dated 17.08.2023 under Sections 302, 201, 34 of the IPC registered at Police Station Rajendra Park, District Gurugrm.

2. Learned counsel for the petitioner contends that the present case hinges on circumstantial evidence wherein the complainant alleged that his mother-in-law (present petitioner) along with his father-in-law and brother-in-law, after committing the murder of his wife (hereinafter referred to as deceased) had taken her body away from his house and cremated it. Learned counsel has submitted that the falsity of the allegations levelled in the FIR in question is evident from the fact that the complainant at whose instance the prosecution against the petitioner was initiated, while stepping into the witness box had not supported the case of the prosecution as a result of which he was declared hostile. It has been further contended by the learned counsel that not only has the complainant been declared hostile but another material witness PW-Vijay, who had



been telephonically asked by the complainant to reach the place of occurrence after he received the information about the murder of his wife, had also not supported the case of the prosecution as a result of which he too was declared hostile. Learned counsel has submitted that in the aforementioned facts and circumstances, when both the material witnesses had been examined and had not supported the version as given out in the FIR in question, further incarceration of the petitioner would serve no useful purpose as 24 prosecution witnesses out of the 31 cited, remain to be examined.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has reiterated the allegations levelled in the FIR in question which has been annexed as Annexure P-1 and stands reproduced herein-under:

“To the Incharge Police Post Dhankot Gurugram. Sir, it is requested that I Sandeep S/O Vedprakash, am a resident of village Surheti, district Jhajjar and work as a bouncer in ILD Mall Gurugram, on 19/12/22, I had a love marriage with Anjali D/O Kuldeep, resident of village Surheti district Jhajjar. After that I, my wife Anjali, my brother-in-law Kunal, Kunal's wife Shikha are living together in Flat No. F-201, ROFF Aalayas Sector 102, Gurugram. My brother-in-law Kunal also had a love marriage with Shikha. On 17/08/2023, I left for my cousin sister's (Bua's daughter) house in village Dhanana, District Rohtak at around 9 AM in the morning to give Sindhara on the occasion of Teej festival. At that time my wife Anjali, brother-in-law Kunal and Kunal's wife Shikha were at home. At around 1 PM, when I was at my sister's house in village Dhanana district Rohtak, I received information from the village that Anjali had died and



her family members were performing the last rites of Anjali. On receiving the information, I called my friend Vijay S/O Shri Ganga Prasad, R/O Flat No. F-702 ROF Aalayas, Sector 102 Gurugram and asked him to visit and check my flat, who told me after a while that the flat is closed and no one was responding from inside. Thereafter, I reached my flat at 4:15 PM and saw that my flat was locked, so I called the MAINTANANCE STAFF and my friend Vijay and other people from nearby and broke the lock of the flat and looked inside but found no one. My wife Anjali was murdered by her family members i.e. father Kuldeep S/O Rammehar, mother Rinki wife of Kuldeep, brother Kunal and Kunal's wife Shikha in the above flat and was taken to village Surheti and burnt there. Strictest legal action should be taken against the above- mentioned Kuldeep, Kunal and Kunal's wife Shikha.”

4. It has been argued by the learned State counsel that a perusal of the allegations levelled in the FIR in question clearly reveal that the accused including the petitioner being unhappy with the marriage of their deceased daughter with the complainant, had murdered her and thereafter in a hurried manner performed her last rites as well. It has also been submitted by the learned State counsel that there was a CCTV footage wherein it stood reflected that the petitioner along with co-accused were taking the dead body of the deceased out of her flat. However, learned State counsel, on instructions, has not disputed the custody period of the petitioner and also the factum of all the material witnesses not only having been examined but having also been declared hostile during trial.

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 18th August 2023 in a case primarily resting on circumstantial evidence. The motive attributed to



the petitioner and the co-accused to carry out the murder of the deceased is stated to be their opposition to the marriage solemnized between the complainant and the deceased, however, as not disputed by the learned State counsel, on instructions, all the material witnesses who spelt out the motive to commit the crime in question, were declared hostile during the trial. Since 24 prosecution witnesses still remain to be examined, the trial would take time to conclude. In the circumstances, further incarceration of the petitioner would serve no useful purpose.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed and 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.

7. 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.

January 17, 2025
poonam

(MANJARI NEHRU KAUL)
JUDGE

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