

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

2025:PHHC:032331



(241)

**CRM-M-57998-2024**

**Date of Decision: 06.03.2025**

Sonu

--Petitioner

Versus

State of Haryana

--Respondent

**CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.**

Present:- Mr. S.S. Virk, Advocate for petitioner.

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

\*\*\*

**MANJARI NEHRU KAUL.J (Oral)**

The petitioner is seeking the concession of regular bail, filed under Section 439 Cr.P.C, in case FIR No.33, dated 20.02.2023, under Sections 302, 120-B, 195-A IPC and Sections 25, 27 of Arms Act, registered at Police Station, Badli, District Jhajjar.

Learned counsel for the petitioner submits that the petitioner has been in custody since 06.04.2023 in a case based on eye witness account. The complainant, who was allegedly accompanying the deceased at the time of the occurrence in question had not supported the case of the prosecution, as a result of which he had been declared hostile. Counsel has submitted the the petitioner, who had been implicated in the present case only being a conspirator to the crime in question, has been continuously absenting. It has been submitted that daughter of the deceased, who raised suspicion qua the involvement of the petitioner in the murder of the deceased, despite being summoned time and again, throughailable and non-ailable warrants had for reasons best known being absenting, as a

result of which the trial had come to a virtual standstill. Counsel has placed on record the zimni orders of the Trial Court. He asserts that in the aforementioned facts and circumstances, the possibility of the trial concluding in near future does not arise since 31 prosecution witnesses still remain to be examined. It has been further submitted that even otherwise the only role attributed to the petitioner is of being a conspirator to the crime in question and in case petitioner is enlarged on bail since the most material witness in the present case i.e. the complainant has not only been examined and has been declared hostile, there can be no risk of the petitioner tampering with the evidence or intimidating/influencing the prosecution witnesses.

*Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions has not disputed the custody period of the petitioner and the complainant, who allegedly witnessed the murder in question had not supported the case of the prosecution, as a result of which he was declared hostile. Learned State counsel on further instructions has not disputed the contents of the zimni orders which have been placed on record by the learned counsel for the petitioner in Court today. However, it has been asserted by the learned State counsel that the petitioner had conspired with the other accused to carry out the crime in question; there was an audio recording between the daughter of the deceased and the petitioner, prior to the crime in question, wherein threats had been issued not to depose against the petitioner in the other criminal case which was pending against her. State counsel submits that the next date fixed before the Trial Court is 25.03.2025 and non-bailable warrants have been issued to secure the presence of the daughter of

the deceased.

I have heard learned counsel for the parties and examined the material on record.

The most material witness i.e. the complainant did not support the case of the prosecution while deposing during trial that petitioner was not present at the time of alleged occurrence and even otherwise, the only role attributed to the petitioner is of having conspired with the co-accused, who allegedly gunned down the deceased. This Court, therefore, deems it fit to admit the petitioner to bail as the possibility of the trial concluding in near future is remote.

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.

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.

(MANJARI NEHRU KAUL)  
JUDGE

06.03.2025

lucky

|                            |        |
|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |