

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

CRM-M-62025-2024
Reserved on: 11.03.2025
Pronounced on: 26.03.2025

Pushpa ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. N.K. Chhokar, Advocate
for the petitioner.

Mr. Aashish Bishnoi, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
1084	12.12.2022	Samalkha, District Panipat	346 IPC (Sections 302, 201, 120-B IPC added later on and 346 IPC deleted)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, seeking regular bail.
2. In paragraph 21 of the bail petition, the accused declares that she has no criminal antecedents.
3. Prosecution case is being taken from reply dated 21.02.2025 filed by concerned DySP. On 11.12.2022, one Rajat brother of the deceased Ravi informed the police that his brother had left their house at 3 PM for Karnal and had told that he was going to inquire about a vehicle, however he did not return, then they started making efforts and later on missing person report was filed. Subsequently, police registered an FIR under Section 346 IPC. After six days i.e. on 18.12.2022, Rajat informed the police that Parveen would have murdered his brother because one day, he had seen petitioner and Parveen in objectionable condition. Based on this, police added Section 302 IPC. Later on police investigated Parveen who confessed about his crime made disclosure statement that he had committed murder of the deceased Ravi in conspiracy with the petitioner. Parveen further disclosed of burning clothes of the deceased along with mobile phone and sim car. Parveen further disclosed about concealing the dead body by burring it and later on led the police to a place in a room which led to discovery of the body of deceased Ravi. It

also transpired that Parveen had mixed intoxicating pills in the liquor of deceased Ravi which led him in a stupefying stage and later on committed his murder.

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the status report.

6. Counsel for the petitioner seeks bail on the ground that the only evidence collected against the petitioner is in the shape of disclosure statement and suspicion because as per the complainant, the deceased had told him of having seen the petitioner in objectionable condition with main accused Parveen. State counsel opposed the bail on the ground that offence is of murder and the only motive was to eliminate Ravi so that petitioner and her paramour could do whatever they want to do and to get rid of hurdle in their way. Further Ravi had seen them in objectionable condition which is sufficient motive for conspiracy. An analysis of the above arguments would lead to the following conclusion. Undoubtedly, initial apprehension of the complainant about Parveen committing the murder was found truthful because of the discovery of dead body at the instance of Parveen. Needless to say that the apparent motive for murder would be to eliminate petitioner's husband so that Parveen could have unhandled access to the petitioner but the evidence against the petitioner is only in the shape of disclosure statement of co-accused of criminal conspiracy and undoubtedly she had a motive. There is no evidence of petitioner supplying the intoxicant pills to the main accused to enable him to commit the offence. The case is of circumstantial evidence and chain of the circumstances must be complete and the link must not be broken. The evidentiary value of an inculpatory confession made by co-accused to the police is hardly sufficient. Since the only evidence which remained against the petitioner is of motive. Even if all the suspicions of Rajat are taken to be truthful that her sister-in-law was in a relationship with Parveen, still it is not sufficient to presume that petitioner wanted to eliminate her husband in criminal conspiracy and further there is no evidence that she had no opportunity to continue with the extra marital relation, if any even without conspiring to kill her husband. There cannot be hard and fast rule that whenever in a relationship, one partner indulges in extra marital affair, then the only remedy is to eliminate the objecting partner. All that would depend upon the evidence collected in the investigation and not in isolation of such evidence and merely on suspicion. Thus, given above and coupled with the fact that petitioner is mother of five minor children whom she has to take care, further pre-trial incarceration would not be justified.

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 13 of the bail petition, the petitioner has been in custody since

19.12.2022. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

8. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner's complying with the following terms.

13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

14. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.**

15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

17. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

26.03.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.