

2025:PHHC:007861



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

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**CRM M-62649 of 2024
Date of Decision: 20.01.2025**

Rani
State of Haryana

Versus

...Petitioner
... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. S.K. Verma, Advocate, for the petitioner.
Mr. Gurmeet Singh, AAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.85 dated 06.05.2023 registered under Sections 302 and 34 IPC (later on added offence under Sections 120-B and 201 IPC and Section 25 of Arms Act, 1959 at Police Station Alewa, District Jind.
2. The FIR in the present case was registered on the basis of the statement made by Suresh Kumar and same has been reproduced below:-

“Statement of Suresh Kumar s/o Pala Ram s/o Chandagi Ram Caste Chamar resident of Khanda District Jind, age 45 years old, Mobile No. 8295501572. Stated that I am a resident of the above address and do labor work, I

have passed 7th class and I have three children, the eldest son was Sukhbhir and his younger daughter is Priyanka and youngest daughter is Anshu and my son Sukhbhir performed love marriage with Ritu daughter Late Ramnivas, caste Valmiki, resident of Palgha, Kaithal about two years ago. Ritu's brother Gurmeet and Manish, sons of Ramnivas and mother Rani, wife of late Ramnivas, were not happy with this marriage. Rani's husband had died about 10/11 years ago. After the death of Rani's husband, she had become friend with Pradeep alias Vicky son of Ramkumar caste Chamar resident of Pegha. Due to this friendship Vicky had left his wife and started living with Rani in Kaithal. Yesterday dated 05-05-2023 time around 7.00 p.m. Pradeep son of Ishwar caste Chamar resident Khanda District Jind called my son Sukhbhir telephonically and took him along to the hotel built on Sarhada road from my village. Pradeep and Sukhbhir took snacks etc. there and started walking. My daughter-in-law Ritu told me that Sukhbhir has not come home, he has gone with the neighbor Pradeep son of Ishwar resident Khanda, Sukhbhir had told her over the phone. You go and brought him back. Upon which I went to Saharda Road to see my son Sukhbhir, then I saw that 3/4 boys were beating my son. When I went near and saw, then right in front of my eyes Pradeep aka Vicky was attacking with a sharp weapon having In his hand. I shouted "killed killed" then hearing my shout Pradeep alias Vicky fled from the spot with his companions. I and my family members shifted him to Alewa hospital by arranging vehicle. Doctor Sahab referred my son to Jind hospital, Jind. Where Doctor

sahib declared my son Sukhbir as dead after seeing him. My son has been murdered by Pradeep alias Vicky resident of Pehga and his companions. Legal action should be taken against them. The statement got recorded which was read and heard, that is correct. SD Suresh.”

2. Learned counsel for the petitioner contends that the petitioner was neither named in the FIR nor there was any allegation to connect the petitioner with the alleged crime. He further contends that the petitioner has been falsely involved in the present case on the basis of the disclosure statement alleged made by Pradeep @ Vicky, co-accused, which has very weak evidentiary value. Apart from the said statement, there is no other evidence to connect the petitioner with the alleged crime. Even, as per the case set up by the prosecution, the petitioner was not present at the spot and her case is clearly distinguishable from the case of Pradeep @ Vicky, who had allegedly committed the murder of Sukbbir. Learned counsel further contends that the petitioner was arrested in the present case on 29.05.2023 and the final report of investigation was presented against her long ago. He further contends that the prosecution has not been able to examine even a single witness so far and the trial has been delayed only to ensure longer incarceration of the petitioner in the present case. Still further, the petitioner is a lady and deserves sympathetic consideration by this Court. He further contends that there was no motive to commit the murder of Sukhbir as he was the

son-in-law of the present petitioner and a false story has been coined by the police in the present case.

3. A short reply by way of an affidavit of the Deputy Superintendent of Police, Uchana, District Jind has been filed on behalf of the respondent-State and the same is taken on record.

4. Learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail. However, he admits that there is no other case against the present petitioner and she was never involved in any other criminal activity. Learned State counsel also submits that as per the investigation, the petitioner was not present at the place of the occurrence and had conspired with Pradeep @ Vicky, the main accused.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, it has been stated that Ritu daughter of the petitioner had eloped with Sukhbir and both of them were living separately. The petitioner, who had herself been living with Pardeep @ Vicky, co-accused had seriously objected to their relationship and due to the said reason, she had allegedly conspired with Pradeep @ Vicky. However, the prosecution is yet to lead evidence with regard to the conspiracy between Pardeep @ Vicky and the present petitioner. As per the Investigating Officer, the petitioner

was not present at the place of occurrence and had only conspired with Pradeep @ Vicky. Apart from that, no overt role has been assigned to the petitioner.

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

20.01.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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