

2025:PHHC:020753



223.

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

CRM-M-63796-2024

Date of decision: 13.02.2025

Priti

.... Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Shweta Bawa, Advocate for
Mr. Balraj Gujjar, Advocate, for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Prayer in this petition filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner in case FIR No.744, dated 05.12.2021, under Sections 302, 120B, 34, 364, 201 of IPC, registered at Police Station City Palwal, District Palwal.

Learned counsel for the petitioner submits that the petitioner has been in custody since 06.01.2022 in a case that rests entirely on circumstantial evidence. It is contended that at the time of lodging the FIR, the complainant had specifically alleged suspicion against certain other individuals due to existing disputes but had not attributed any role to the petitioner in the murder of her husband. However, at a later stage, the petitioner was implicated as a conspirator in the alleged crime.

Learned counsel further argues that there is no cogent evidence on record to establish the involvement of the petitioner in the murder in question. No recovery of the weapon of offence has been effected from her, nor is it the case of the prosecution that the petitioner had accompanied the co-accused at the time of the crime. It is also submitted that all material witnesses have already been examined, and with 15 prosecution witnesses still to be examined, further incarceration of the petitioner would serve no useful purpose.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite does not dispute the fact that the petitioner has been in custody for over 03 years or that 22 out of the 37 cited prosecution witnesses, including all material witnesses, have already been examined. However, it is submitted that the petitioner was one of the principal conspirators in the murder of her husband; she was in an illicit relationship with a prime accused, Bijender, and that call records reveal communication between the petitioner and the co-accused at the time of the incident.

Upon a specific query by the Court, learned State counsel, on instructions, does not dispute that the petitioner was not present at the scene of crime when the murder was committed. However, it has been contended, on instructions, that the petitioner had deliberately destroyed crucial evidence, including her mobile handset and sim card, which gives rise to a

strong inference that she was aware of and complicit in the plan to eliminate her husband.

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

The petitioner has been in custody for over 03 years, having been arrested on 06.01.2022. It is undisputed that the petitioner was not present at the scene of crime when murder took place. The trial is still underway, with 15 prosecution witnesses yet to be examined, and its conclusion is likely to take considerable time.

In light of the above facts and circumstances, further incarceration of the petitioner would serve no useful purpose.

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.

(MANJARI NEHRU KAUL)
JUDGE

February 13, 2025
sanjeev

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