



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

252

CRM-M-61939-2024 (O&M)

Date of Decision:- 14.05.2025

SARITA

...Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Samay Singh Sandhawalia, Advocate for the petitioner.

Mr. Surender Singh, A.A.G. Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
134	28.04.2024	302, 201 and 34 IPC	Bahalgarh, Sonipat

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is a lady, aged 24 years, having no criminal antecedents and is in custody since 29.04.2024 along with her minor children, aged 03 years and 01 year. He submits that even as per the allegations levelled in the FIR, no overt act is attributed to the petitioner in the alleged occurrence, except that she had caught hold of the deceased while her husband had caused injuries to him. He submits that challan has already been presented in



the Court and the conclusion of trial will take sufficient long time and no purpose would be served by detaining the petitioner, a lady, along with her minor children in custody. Thus, prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the status report filed by the State has opposed the petition by submitting that petitioner along with her husband had committed the murder of Yogesh, therefore, the petitioner does not deserve the concession of bail and prays for dismissal of the petition.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it is observed that the instant FIR was registered on the complaint of Rakesh that his brother Yogesh, who was convicted for committing murder of his wife Babita, was released on bail after undergoing five years of imprisonment and on 28.04.2024 at about 8:30 AM, his uncle Dayanand informed that the Chowkidar of the school, namely Manoj and his wife (petitioner herein) had committed murder of Yogesh in the school, upon which the complainant reached the spot and found the dead body of his brother lying in the bushes near the school. During investigation, co-accused Manoj was arrested, who got recovered the hammer used in the crime along with scissors and wearing gloves. Later, the petitioner was arrested on 29.04.2024, and since then she is in custody. After the completion of investigation, challan was presented in Court, wherein 20 witnesses have been cited by the prosecution, however, none has been examined till date.



Admittedly the petitioner, a lady aged 24 years, is having no criminal antecedents and she is in custody with her minor children, aged 03 years and 01 year. There is no eye-witness of the occurrence. Even as per the case of prosecution, no specific injury is attributed to the petitioner and the fatal blow is attributed to the husband of the petitioner, who is already in custody. Even the weapon of offence has been recovered from the co-accused. Therefore, considering the role and the antecedents of the petitioner, no purpose would be served by detaining the petitioner in custody any longer. Moreover the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

14.05.2025

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No