

police could not find any eye-witnesses or any evidence, which could establish the involvement of the petitioner in the crime. Now, it has been alleged that the petitioner had conspired with Gurpreet Singh alias Chottu and Gurpreet Singh @ Chottu along with two other persons had strangled her husband to death. The petitioner is a lady and has two minor daughters, aged about 11 years and 08 years and that there is no one in the family to take care of them. The petitioner was arrested in the present case on 04.11.2023 and is in custody for the last 01 year and 08 months. The prosecution has relied upon 27 witnesses and 11 witnesses, including Taheer Kumar, have already been examined in the present case. Since, all the material witnesses have been examined by the Court, there are no chances of tampering with the prosecution evidence.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had joined hands with three other accused and the accused had killed the husband of the petitioner as she was having illicit relations with Gurpreet Singh @ Chottu, the main accused. Even she was having call details with Gurpreet Singh @ Chottu and other accused in the present case. Thus, there was sufficient evidence to prove the complicity of the petitioner in the crime.

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

5. It is not in dispute that the FIR was initially got registered by the petitioner herself against Gurpreet Singh @ Chottu and the other unknown accused. Later on, Tahir Kumar, nephew of the deceased had got his statement recorded and had raised suspicion against the petitioner also. Consequently, she

was also arrayed as an accused in the present case and it was alleged that she had also hatched a conspiracy along with other accused in the present case. At this stage, the prosecution has already examined 11 witnesses and the prosecution is yet to establish the involvement of the petitioner in the crime. The petitioner is stated to be in custody for the last 01 years and 8 months and there is no material to show that she is in a position to tamper with the evidence in any manner.

6. 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.

31.07.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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