

PBBT010049742021



Presented on : 14-07-2021  
Registered on : 15-07-2021  
Decided on : 19-07-2021  
Duration : 0 years, 0 months, 5 days

**IN THE COURT OF SHRI KAMALJIT LAMBA,  
SESSIONS JUDGE, BATHINDA.  
(UID No.PB 0055)**

CNR No.PBBT01-004974-2021  
CIS No.BA-1766/2021.  
B.A. File No.44 dated 15.7.2021  
Date of Order: 19.07.2021.

|       |        |                                                                                                                                                                   |
|-------|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| State | Versus | Radha wife of Johny Ram son of Ami Chand,<br>resident of H.No.11707, St.No.3, Puhla Colony,<br>Adarsh Nagar, Bathinda(now confined in Central<br>Jail, Bathinda). |
|-------|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**.....Accused-Applicant.**

**F.I.R. No.53 dated 10.7.2020  
Under Sections 302, 201, 34 IPC.  
Police Station Thermal, Bathinda.**

**\*\*\*\*\***

**Bail application U/s 439 Cr.P.C.**

**\*\*\*\*\***

Present: Sh.Karan Brar, Counsel for applicant-accused.  
Sh.Sukhpal Singh Gill, Public Prosecutor for the State.

**ORDER:**

After first bail application bearing CIS No.275/2021 of the applicant, which was dismissed as withdrawn by his counsel, being not pressed, applicant, after changing her counsel, has filed the instant second bail application.

2. Prayer in the instant second application is for grant of regular bail to the accused-applicant Radha wife of Johny Ram, who has been put

for having committed an offence punishable under Sections 302, 201, 34 of Indian Penal Code, in a case arising out of FIR No.53 dated 10.7.2020, registered at Police Station Thermal, Bathinda.

3. Notice of the application was issued to the State and the requisite record perused.

4. The facts necessary for disposal of the instant bail application are that the aforesaid FIR has been registered at the instance of complainant Ami Chand son of Ramji Lal. In his statement, he has stated that he is working as sweeper at Bathinda Cantonment Station Head quarter. His marriage with Lachhmi Devi, was solemnized about 32 years ago and three sons were born out of their wedlock. His eldest son was Johny Ram, younger to him is Tony and youngest one is Sanjay. Johny Ram was aged about 30 years and his marriage was solemnized with Radha daughter of Rohtash of Sardulgarh, about 7 years ago and they have two sons. Johny Ram was working as Safai Sewak, at Rajpal Hospital, near Ganesha Basti, Bathinda and besides it, he was also doing the sweeping in two houses, at Balla Ram Nagar. He(complainant) further stated that on 10.7.2020, at about 4.30 a.m., his son Johny Ram left the house on his bicycle, by saying that he had gone to Balla Ram Nagar, for sweeping. At about 10.00 a.m., he(complainant) received a phone call from some unknown person, who disclosed that dead body of his son Johny was lying in the vacant plots, situated at Mandir Colony, upon which, he(complainant) alongwith his son Sanjay reached at place, where he identified the dead body of his son Johny Ram. He(complainant) further stated that some unknown person(s) had committed the murder of his son Johny Ram, by causing injuries on his head

and body, with the help of bricks and iron rod. Upon recording the statement, the police swung into action and the aforesaid FIR against unknown person has been registered. Thereafter, on the basis of supplementary statement of complainant Ami Chand, got recorded by him with the police on 11.7.2020, accused-applicant Radha and Tony Ram son of complainant Ami Chand, were nominated as accused of the present FIR. Thereafter, the police swung into action and applicant-accused was arrested on 11.7.2020.

5. Learned counsel appearing on behalf of the accused-applicant submitted that the applicant has been falsely implicated by the police at the instance of complainant. He further submitted that the accused-applicant has no motive to commit the murder of her husband Johny Ram. In fact, he was murdered by some unknown person(s). Referring to the contents of the FIR, he submitted that name of the accused-applicant has not been mentioned in the present FIR. He further submitted that the murder is a blind murder and the accused-applicant has been wrongly named as an accused in the case, by the complainant, on the basis of mis-guided suspicion. He further submitted that the challan in this case has already been presented and most of the prosecution witnesses including material witnesses of this case i.e. complainant Ami Chand and Sanjay(son of the complainant) have already been examined in the main case and both the above private witnesses have not supported the prosecution version and have resiled from their statements made before the police. He further submitted that the applicant has been in custody since 11.7.2020 and no useful purpose would be served by further

extending her judicial detention. With these submissions, he prayed that pending investigation and trial, the applicant-accused be released on bail.

6. Per contra, learned Public Prosecutor by resisting the application for grant of bail, submitted that no doubt, name of the accused-applicant is not mentioned in the FIR but involvement of the accused-applicant is clearly made out from the supplementary statement of complainant Ami Chand and the prosecution will be able to produce prima facie evidence in support of the charge. He submitted that no doubt, the material witnesses of this case i.e. complainant and Sanjay have not supported the prosecution version and they have resiled from their police statements, however, he submitted that the prosecution case is not merely based on their testimonies, rather the Investigating Agency has also collected the other evidence in the form of Forensic Science Laboratory report, in regard to the blood samples. He further submitted that keeping in view the gravity and seriousness of the offence, no case is made out in favour of the accused-applicant for his release on regular bail. He further submitted that the trial is in progress and within reasonable period, the prosecution will conclude its evidence. He further submitted that if the applicant-accused is released on bail at this stage, there is likelihood of his absconding from justice and thereby cause hurdle to the smooth progress of trial. He submitted that the instant bail sans merit and is liable to be dismissed.

7. This Court has considered the submissions advanced by the learned counsel appearing on behalf of the respective parties and have also gone through the police record.

8. In the instant case, applicant-accused has sought the grant of regular bail, pending trial. However, needless to say that in the bail matters, the courts are not supposed to explore the merits of the case in detail. What is the effect of the statements of hostile witnesses, would be a moot point, to be decided during the course of trial and not at this stage. As per the prosecution version, applicant Radha was having illicit relations with her co-accused Tony Ram and both, in connivance with each other, committed the murder of Johny Ram. The trial is at the fag end. Therefore, without commenting on merits of the case, but keeping in mind the nature of accusation and severity of punishment, which conviction will entail, this Court does not deem it a fit case to enlarge the applicant-accused on bail. Accordingly, the instant bail application stands dismissed. Papers be attached with the main case file.

**Pronounced:  
19.07.2021.**

Nisha Arora

**(Kamaljit Lamba)  
Sessions Judge,  
Bathinda.  
(UID No.PB0055)**