

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU**

**Bail App No. 123/2025**

*Reserved on: 04.12.2025*

*Pronounced on: 10.12.2025*

*Uploaded on: 10.12.2025*

*Whether the operative part or full judgment is  
pronounced-**Full Judgment***

Neelam Singh

.....Appellant(s)/Applicant(s)

Through: Mr. S C Sharma, Advocate.

**Vs**

..... Respondent(s)

U.T of J&K & Anr.

Through: Mr. Sumeet Bhatia, GA

**CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE**  
**ORDER**

**01.** Applicant, through the medium of the above titled application under Section 483 of BNSS, 2023, seeks grant of bail in a case titled 'UT of J&K Vs. Neelam Singh', pending disposal before the Principal Sessions Court, Udhampur, arising out of a case, registered at Police Station Rehambal vide FIR No. 232/2021, for commission of offence punishable under Section 302 IPC.

**02.** It is the case of the applicant that he was falsely implicated in the aforesaid case by weaving a concocted story, that too, after a long time; that the applicant was originally married to Maya Devi but no child was born even after a marriage of about 8/9 years and in order to beget a child, with consent of first wife, the applicant married one Neelam Devi and out of the said wedlock, a female baby was born; that after some time, the first wife of the applicant also

gave birth to a female baby; that a baby from first wife allegedly infuriated the deceased and in a fit of jealousy mixed with wrath, she took the extreme step in the intervening night of 4<sup>th</sup> & 5<sup>th</sup> August, 2021 and committed suicide by hanging herself from a tree with her *dupata*; that to the utter shock of the applicant, the investigation agency after conducting the so called investigation, implicated the applicant for commission of offence punishable under Section 302 IPC and arrested him on 30.10.2021.

**03.** Seeking emancipation, the applicant moved the Trial Court of Principal Sessions Judge, Udhampur by filing bail application, *inter alia*, urging therein that he was wrongly implicated as the medical evidence adduced by the prosecution is embarrassingly implausible and does not inspire confidence. The bail application was strongly opposed by the learned Public Prosecutor. The Trial Court, vide its order dated 17.02.2025, rejected the bail application of the applicant.

**04.** Aggrieved of decline of bail in his favour, the applicant has filed the instant bail application, before this court. The applicant seeks grant of bail on the ground that the medical evidence attached with the chargesheet as well as led before the Trial Court is speculative in nature and a bare reading of the same reveals that the same is not conclusive in nature, as such, on the basis of said evidence, no conviction can be recorded against the applicant; that out of 36 witnesses cited by the prosecution, nearly 19 witnesses have been examined so far and all of them other than of the members of the Medical Board who conducted the post-mortem pertain either to circumstantial evidence or to the

formal witnesses; that the Trial Court, while rejecting the application moved by the applicant had neither discussed nor appreciated the medical evidence in the right perspective; that the prosecution had not examined any of the witnesses who could prove that the death was homicidal; that the injuries/ligature marks found on the dead body of the deceased must have been ante-mortem in nature and the injuries caused due to hanging must have been post-mortem in nature but the entire medical evidence is silent on this aspect and the prosecution has not made any attempt to prove the nature of the injuries, as such, on the basis of the medical evidence led by the prosecution, there is no scope to prove that the death of the deceased was homicidal in nature; and finally it was prayed that applicant be admitted to bail, so as to advance the cause of justice, subject to the conditions which the applicant undertakes to abide.

**05.** Objections stand filed on behalf of the respondents. A perusal whereof would sketch out the brief facts, which are as follows that on 20.10.2021, Constable Ankush Raina, posted at Police Post Tikri, showed up in Police Station Rehmbal with a document in Urdu from Police Post Tikri regarding a death under mysterious circumstances, stating therein that the applicant married the deceased about nine years ago due to lack of children in his first marriage; that a girl child was born from his first wife and later a girl child was also born from the deceased; that the husband had physical relations with his first wife and he did not want to keep the deceased in his house; that due to this, he used to harass, beat and trouble the deceased so that she would leave the house; that there is strong suspicion against the applicant for the death of the deceased; that

according to the post-mortem report by a board of doctors, the death of the deceased was found to be due to strangulation and in that view of the matter, offence under Section 302 IPC was found to have been committed, in this suspicious death; that on the basis of this document, FIR No.232/2021 under Section 302 IPC was registered at Police Station Rehmbal and the investigation commenced; that based on the witnesses' statements and post-mortem report, offences got proved against the applicant; that he was arrested on 30.10.2021; that the applicant has confessed his crime, in the presence of Naib Tehsildar Pooran Chand, Executive Magistrate (Naib Tehsildar), Inspector Jaswinder Singh and Constable Suba Ram that he strangled his wife with a scarf (dupatta) inside a room of his house and made the body dangled from a tree near his house.

**06.** Heard and considered.

**07.** Learned counsel for the applicant argued that the trial court has rejected the bail application of the applicant despite the fact that there were glaring inconsistencies in the medical opinion tendered by the doctors concerned. As per the collective opinion of the board comprising Dr. Sonika Gupta, Gynecologist, District Hospital Udhampur, Dr. Pardeep Singh, Consultant Surgery GMC and Associate Hospital Udhampur and Dr. Manpreet Kour, Ophthalmologist GMC Jammu, the cause of death could be asphyxia due to strangulation which does not prove that the death is homicidal or even suicidal; that there is no material evidence on record with respect to death whether homicidal, suicidal or accidental.

**08.** Learned counsel for the respondent, *ex adverso*, vehemently argued that medical proof is not a conclusive evidence but is always corroborative and out of 36 Prosecution Witnesses, as many as 19 PWs have already been examined and the trial is running at phenomenal pace; that the applicant does not deserve the concession of bail as he is involved in heinous and non bailable offence; that the offence of which the applicant is charged is punishable under Section 302 IPC which carries punishment of imprisonment for life, thus attracts the rigors of Section 437 CrPC hence the applicant cannot be admitted to bail. Lastly, it is prayed that the bail application be out-rightly rejected.

**09.** It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are: (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the accusation; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing, if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being influenced; and (viii) danger, of course, of justice being thwarted by grant of bail. ([See: Ram Govind Upadhyay Vs. Sudarshan Singh & Ors. reported in \(2002\) 3 SCC 598](#)).

**10.** The applicant who claims to be in custody since 30.10.2021 when he was arrested in the case for the murder of his second wife Neelam Devi has moved the application for grant of bail, on the basis of the medical evidence which has been placed on record by the prosecuting agency and which has been led by

examining the medical witnesses Dr. Sonica Gupta, Dr. Pardeep Singh and Dr. Manpreet Kour, who as a medical board, conducted post-mortem of the deceased. Learned counsel for the applicant has reiterated in his submissions that as per the post-mortem report, which has been placed on record, the death of the deceased as per the opinion of the medical board was due to asphyxia which on seeking clarification by the prosecution was stated to be may be because of strangulation. Learned counsel for the applicant submits that while the doctors were being examined during trial, they could not explain as to whether the injuries/ligature marks on the dead body of the deceased were injuries ante-mortem or post-mortem and which distinction is required to be drawn so as to decide the case. As against the case of the prosecution, the applicant's stand is that the deceased had committed suicide and that he had no role in her death. Learned counsel for the applicant has though mainly stressed on this aspect of medical evidence that the death of the deceased could be said to be suicidal in nature and not homicidal so as to amount murder and in case of suicide, the applicant is entitled to bail who has been custody for the last more than four years.

**11.** The prosecution has listed 36 witnesses, out of which, 19 are stated to have been examined. As such, the pace of examining the witnesses is good and there is no delay on the part of the prosecution to lead evidence. The medical evidence of the medical experts who conducted the post-mortem of the deceased, being opinion based is always corroborative in nature and cannot be said to be substantive. Therefore, the medical evidence led by the prosecution

shall have to be co-related to the oral evidence led in support of the case, particularly, when the case is mainly based on circumstantial evidence. Neither the Trial Court nor this Court can make a final opinion with regard to the cause of death of the deceased based on the statements of the medical experts who have been cited as prosecution witnesses to prove the post-mortem examination report formulated by them after conducting post-mortem of the deceased.

**12.** The offence under Section 302 IPC of which the applicant has been accused is punishable with capital punishment or in the alternative with life imprisonment, as such, having regard to the nature of the offence and the gravity of the punishment provided therefor and the factors to be considered as per settled legal principles, in the considered opinion of this court, on the pleaded grounds, the applicant is not entitled to be admitted to bail, at this stage.

**13.** Viewed thus, the application for grant of bail moved by the petitioner herein is, thus, found bereft of any merit and substance. As a result, the bail application is dismissed along with connected application(s).

**(M A CHOWDHARY)**  
**JUDGE**

**Jammu**  
10.12.2025  
Raj Kumar

Whether the order is reportable?: Yes