

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-23355 of 2015 (O&M)
Date of Decision: 15.02.2016

Jagjit Kumar

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Salil Bali, Advocate for the petitioner.

Ms. Anmol Grewal, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.82 dated 4.5.2014 under sections 302, 380, 34 I.P.C registered at Police Station, Sadar Jalalabad, District Fazilka.

Learned counsel for the parties have been heard.

F.I.R was registered on the statement of Darshan Ram. Deceased in the present case is Ritu Bala i.e. wife of the present petitioner. As per statement of Darshan Ram i.e. Father-in-law of the deceased he had gone to attend a Radha Swami Satsang at 9 A.M on 4.5.2014 and upon returning back, found Ritu Bala lying on a cot. Having called out to her there was no response and upon close inspection Darshan Ram found that she had been strangled and there was a mark of sharp object on her throat. Thereafter, he is stated to have called his son Jagjit i.e. the present petitioner on phone. Darshan Ram further stated that he learnt from his neighbors that when he was away to Satsang, then, four persons had arrived in a white car and were inside the house for 15/20 minutes and since an amount of Rs.40,000/- had gone missing from the almirah and even the

earrings of deceased Ritu Bala were missing, he had suspicion that such persons had entered the house in his absence and had murdered Ritu Bala so as to take away cash as also the gold ornaments.

The *Bhog Ceremony* of Ritu Bala deceased took place on 8.5.2014. Present petitioner is sought to be implicated on the statement of Hans Raj i.e. Father of the deceased made on 10.5.2014 to the effect that on 8.5.2014 the petitioner had made an extra judicial confession to him that he had done away with Ritu Bala as he was in a relationship with his sister-in-law.

Petitioner was arrested on 14.5.2014.

During the course of trial, I.O i.e. S.I. Harinder Singh has been examined as PW-2. In his cross-examination he has stated that upon recording statements of Des Raj i.e. Father of the deceased as also Ranjha Ram, paternal uncle of the deceased under section 161 Cr.P.C the present petitioner was arrested and on 10.5.2014 he was taken out from the police lock-up in the presence of H.C. Gurdeep singh and he disclosed upon interrogation to the following effect:-

“I was having love affair with my sister-in-law so I killed my wife with the help of screw driver and a towel and hidden the same in my fields in which there are Guava plantation near motor pump.”

Prosecution version is that even the screwdriver was got recovered on the basis of such statement suffered by the petitioner during the course of interrogation.

Counsel for the petitioner has adverted to the deposition of Dr. N.K. Sethi, Medical Officer, Civil Hospital, Ferozepur examined as PW-1 before the Trial Court and who in his cross-examination has clearly and

categorically deposed that “the opinion stated by me regarding the possibility of strangulation in this case by using screwdriver and putting the same on the neck and putting pressure on it was not mentioned by me in my post mortem report neither any such opinion was sought during investigation of the case.”

Under such circumstances, the offence under section 302 I.P.C to be made out against the petitioner, would be a moot question to be considered during the trial proceedings.

Petitioner has already faced incarceration for a period of almost 22 months.

Learned State counsel has also informed the Court that out of 18 prosecution witnesses cited, 9 have been examined till date and one has been given up. The trial, as such, would take some time to conclude.

In an overview of the matter and without making any observations on merits, petitioner is held entitled to the benefit of bail. Accordingly, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Fazilka.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

15.02.2016

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