

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

CRM-M-48042 of 2017.

Decided on:-August 10, 2018.

Saroj Bala.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Anil Malik, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARI PAL VERMA, J.

The petitioner has filed present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.239 dated 22.09.2016 under Sections 356, 302 and 201 read with Section 34 IPC registered at Police Station Narwana City, District Jind.

The aforesaid FIR was got registered at the behest of complainant Rajesh, who is real brother of deceased Rakesh. Said Rakesh disappeared on 22.09.2016 and his dead body was recovered in Chhawla (Delhi) on 22.09.2016. Though the initial application was regarding disappearance of Rakesh, but thereafter, a supplementary statement was made by the complainant that he and his relatives were searching out his missing brother Rakesh. They received an information from RTRM Hospital,

Chhawla, Delhi that a dead body which resembled to Rakesh has been found by the police from the drain of waste water, BSF Camp, Behind Hanuman Mandir and the dead body is kept in the mortuary for identification. The complainant contacted the local police and reached RTRM Hospital, Chhawla, where the dead body was identified as that of Rakesh. Various puncture signs made with sharp pins on the dead body of Rakesh were noticed. Both his hands were tied with a blue coloured Chunni. The feet of the dead body were tied with a black rope and red and grey coloured Capri. The relations between Rakesh and his wife Saroj Bala (petitioner herein) were strained for the last many days. The complainant had a strong doubt that his younger brother Rakesh was killed by his wife by hatching a conspiracy with other co-accused and after killing him, his dead body was thrown in the dirty drain.

Learned counsel for the petitioner has argued that the complainant herself is a victim being the wife of the deceased. She made a complaint to the police on 23.09.2016 about the disappearance of her husband Rakesh. The relations of the petitioner with the complainant were strained for which she made a complaint to the police on 23.09.2016.

He has further argued that the statement made by the complainant that she made a complaint dated 23.09.2016 for her defence and that the petitioner and her son-in-law had killed Rakesh so that the police may not have suspicion on her, is not admissible in the eyes of law as the said statement was made before the police and, therefore, no weightage can be given to the said statement.

On the other hand, learned State counsel has argued that apart from the fact that the petitioner made an admission of her guilt before the police, she also hatched a criminal conspiracy with other co-accused and killed Rakesh. In fact, the petitioner was not a legally wedded wife of deceased Rakesh. She along with other co-accused had killed Rakesh in such a manner for which she does not deserve any leniency.

I have heard learned counsel for the parties.

The allegation against the petitioner is that she hatched a conspiracy with other co-accused and killed Rakesh. In case she is admitted on bail at this stage, she may influence the prosecution witnesses. Moreover, the allegations levelled against the petitioner being serious in nature, this Court finds that no ground for grant of regular bail to the petitioner is made out.

Accordingly, the present petition, being devoid of any merit, is dismissed.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with the same.

August 10, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No