

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

CRM-M-35699-2019

Date of decision: 3.9.2019

TAJ MOHD. @ TAJU

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. D.N. Ganeriwala, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.213 dated 20.12.2018 under Sections 302, 306, 34 of Indian Penal Code, registered at Police Station Khizarabad, District Yamunanagar.
2. The FIR was registered at the instance of Tasim, who is brother of the petitioner wherein he has stated that he and his brother are staying together in the same house along with their families and there often used to be dispute amongst two families. It is alleged that on 18.12.2018, there was a brawl between complainant's wife and the petitioner and in which the petitioner and his wife Ruksana killed complainant's wife by strangulating with a rope and thereafter hung her body from the roof to project the same to be suicide.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case due to some rivalry between siblings and

that in fact as per the post-mortem report, it is a case of death by hanging and not by strangulation. Learned counsel has further submitted that the complainant while in the witness-box has not supported the case of prosecution and has categorically stated that the petitioner did not murder his wife and nor did petitioner's wife abet her.

4. Opposing the petition, learned State counsel has submitted that since the petitioner has specifically been alleged to have killed the deceased, no case for grant of bail is made out.
5. Having considered rival contentions addressed before this Court and bearing in mind the opinion expressed in the post-mortem report and also that the complainant has resiled from his statement, further detention of the petitioner who is already behind bars since last 8 months would not serve any purpose as conclusion of trial, in its normal course, is likely to take some time. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.
6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

3.9.2019
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No

