

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

204

**CRM-M-17595-2020
Decided on : 21.08.2020**

Sahoon

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Rajesh Lamba, Advocate, for the petitioner.

Mr.Anant Kataria, DAG, Haryana.

Mr.Mazlish Khan, Advocate, for the complainant.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.51 dated 05.02.2020 under Sections 346, 302, 201, 120B IPC registered at Police Station Ferozepur Jhirka, District Nuh.

Initially a missing report was lodged by a co-accused-Jahul, husband of the deceased-Smt.Miskina that she had gone missing since 13.01.2020. Thereafter, the FIR was lodged by Hanif-the complainant that on the intervening night of 13.01.2020, Jahul had called his relatives including the petitioner and murdered his wife and threw the dead body in the well. On 27.02.2020, on the basis of suspicion, the complainant had taken the police to the well and took out the dead body of the deceased which had been duly identified by the complainant-uncle.

The anticipatory bail application was dismissed by the Addl.Sessions Judge on 16.06.2020 (Annexure P-1) on the ground that there was a recovery of a Scorpio vehicle used in the offence was to be effected from the accused and therefore, custodial interrogation was required.

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

204

CRM-M-17595-2020

-2-

This Court had granted the interim anticipatory bail initially on 07.07.2020 on account of the fact that there was no eye-witness and therefore, the petitioner was entitled for the said relief. The same has been opposed on various dates on the ground that Scorpio vehicle has not been recovered.

It is the case of counsel for the petitioner that the said vehicle was not in the name of petitioner and therefore, it was not possible for him to get the same recovered.

An affidavit of Deputy Superintendent of Police was also filed on 15.07.2020 wherein it had been averred that Jahul-the husband had disclosed during the course of interrogation that he along with the petitioner had hatched a conspiracy. In furtherance of the conspiracy, the petitioner reached the house of Jahul and strangled the throat of Miskina, wife of the petitioner and taken the dead body in the Scorpio and thrown it in the dry well. It was further averred that the Scorpio vehicle has not been recovered as the petitioner is not cooperating in the investigation. Another affidavit was also filed on 05.08.2020 by the same officer.

Counsel for the complainant has also placed on record the statement of co-accused-Jahul wherein the averments made by the police officials stands substantiated on the basis of which the petitioner has been nominated and sought to be arrested.

Keeping in view the fact that investigation would be hampered as the vehicle would provide necessary evidence by way of examination by the forensic experts as to whether the body was kept in the vehicle, this Court is of the opinion that benefit of anticipatory bail is not liable to be confirmed in

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

204 CRM-M-17595-2020

-3-

favour of the petitioner, more so, in view of the fact that he has not cooperated for the last one month.

It is settled principle that the benefit of anticipatory bail is to be granted in extraordinary circumstances and as there is no such political mala fides etc. arising out of the homicidal death of Miskina, the exceptional circumstances do not arise. Resultantly, no ground is made out to confirm the order dated 07.07.2020 and the present petition is, accordingly, dismissed.

However, anything said herein is only for the purpose of deciding the anticipatory bail application and this Court is not commenting upon the merits and the rights of the petitioner, for grant of regular bail.

AUGUST 21, 2020
sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No