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

**CRM-M No.17564 of 2020
Date of Decision: 31.08.2020**

KRISHNA

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sanjiv Gupta, Advocate and
Mr. Gaurav Singla, Advocate
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

Mr. Tanmoy Gupta, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.150 dated 29.04.2018, registered under Sections 302, 34 IPC at Police Station Chandhut, District Palwal.

As per allegations, the petitioner was having alleged illicit relations with many persons. At about 4 years ago, son's

wife of the complainant was caught red handed with Jeet Singh in an objectionable position. Despite taking oath by the petitioner and Jeet Singh, they kept on meeting subsequently and maintained the relations. Jeet Singh had given a mobile phone No.9690430169 to the petitioner and he used to call her from his mobile No.9896229785.

The son of the complainant was found dead in front of the bathroom. He had injuries on his face, below eyes and on the neck. The complainant alleged that her son was not having any ailment. The mobile of the accused was taken into possession along with some sleeping pills. Petitioner left the house for parental place. The complainant alleged that the petitioner was found also in touch with Jeet Singh on 09.04.2018, 10.04.2018 and 11.04.2018.

Pointed allegations have been made by the complainant that her son has been murdered by the petitioner and her paramour Jeet Singh. Complainant Rano Bai has been examined as PW-3, who has supported the case of the prosecution. She has denied the alleged second marriage of his son with one Manjeet Kaur of village Manjewala. PW-7 Dr. Deep Kishore has also been examined by the trial Court. He was one of the Doctors of the Medical Board. The cause of death was found to be Asphyxia. As per opinion of the Doctor, possibility of

death by smothering for various reasons cannot be ruled out. Other witnesses namely PW-1 Hardev Singh, PW-2 Ravinder Singh and PW-4 Prem Singh have also supported the case.

Learned counsel for the petitioner sought to project his arguments on the ground that marriage was solemnized between the deceased and the petitioner on 03.05.2009. Petitioner could not produce any child. The deceased also kept a second wife in the house and the story projected by the complainant is incorrect.

At this stage, the defence of the petitioner cannot be taken into consideration. The case has been registered under Section 302/34 IPC. A dead body of the deceased Kashmir Singh was found in the house. Presence/non-presence of the petitioner in the house on the date of occurrence would be subject to judicial scrutiny by the trial Court on the basis of evidence led/to be led by the parties at trial.

At this stage, taking into consideration the gravity of the offence, I do not wish to grant any indulgence in favour of the petitioner. This petition is accordingly dismissed.

August 31, 2020
Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No