

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

CRM-M No.2425 of 2021

Date of Decision:-23.08.2021

Avtar Singh

.....Petitioner.

Versus

State of Punjab

.....Respondent.

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. T.P.S. Teji, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

MEENAKSHI I. MEHTA, J.(Oral)

The petitioner herein seeks the relief of regular bail in the criminal case pertaining to the FIR bearing No.142 dated 29.07.2020 registered at Police Station Chheharta, District Amritsar, under Section 302 IPC, wherein the offences under Sections 458, 380, 411 and 201 IPC were added later-on.

Bereft of unnecessary details, the allegations levelled by the complainant in the subject FIR, are that due to some differences with his wife named Satpal Kaur, he was staying separately from her at his son's house and on 05.03.2020, when he went to meet his wife, he found the house locked and on 12.03.2020, he, along-with his family members, again went there and found that a foul smell was coming from the house and on breaking open the door, he found the dead body of his wife, lying on the

bed, which had been totally decomposed. After some time, the complainant received a letter wherein it had been intimated that his wife had been murdered by the petitioner and the gold jewellery items of his wife were also in his (petitioner's) possession.

I have heard learned counsel for the petitioner as well as learned State counsel in this petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that there is a delay of more than 4½ months in lodging the FIR and the Challan has already been presented in the Court and initially, the complainant did not suspect that his wife was killed by the petitioner and he has mentioned the name of the petitioner merely on the basis of said letter and the petitioner has been in custody for more than one year and in these circumstances, he (petitioner) deserves the relief as prayed for in this petition.

Per contra, learned State counsel argues that the deceased was staying alone and her dead body was found in a decomposed condition from the house and the gold jewellery articles, belonging to her, have already been recovered from the possession of the petitioner and he had also made an extra-judicial confession regarding his guilt before one Gurdev Singh and it being so, the present petition deserves dismissal.

The contentions raised by learned counsel for the petitioner qua the delay in lodging the FIR and the petitioner having not been nominated by the complainant as an accused in the first instance as well as the truthfulness of the contents of the said letter would be looked into and

adjudicated by the trial Court at the appropriate stage after appreciating and evaluating the evidence as would be led on the record during the course of the trial. Further, as apprised by learned State counsel, though the Challan has been presented but the trial is yet to commence meaning thereby that the material witnesses have not yet been examined before the trial Court and in such circumstances, mere custody period of the petitioner does not suffice at all to extend the relief as claimed by him.

Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of regular bail.

Resultantly, the present petition stands dismissed accordingly.

August 23, 2021
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*