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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4842-2021 (O&M)
Date of decision-24.03.2021

Radha Devi

...Petitioner

Vs.

State of U.T. Chandigarh

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gagneshwar Walia, Advocate for the petitioner.

Mr. A.M. Punchhi, P.P. U.T. Chandigarh.

MANOJ BAJAJ, J.

CRM-8219-2021

This is an application for placing on record Annexure P-5 i.e. postmortem report dated 14.05.2020.

Application is allowed and Annexure P-5 annexed with the application is taken on record.

CRM-M-4842-2021

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.0089 dated 14.05.2020, under Section

302 IPC, Police Station Sector 34, Chandigarh. The petitioner is in judicial custody after her arrest on 15.05.2020.

FIR was registered on the basis of statement of Brijesh Kumar son of Ram Jeewan who alleged that relations between petitioner-Radha Devi and her husband Mani Ram were not cordial on account of latter's habit of consuming excessive liquor. She would often say that she being unfortunate got married to him and she wished that he may die so that she may marry again. The complainant used to visit the residence of his brother and tried to settle the dispute between them. According to him, few days back, deceased Mani Ram had met him and told that he suspected that his wife is planning to kill him. On 12.05.2020, he received information that Radha Devi had taken her husband to hospital on a Rehri and on reaching there, he was told by her that Mani Ram hanged himself and committed suicide. Complainant informed the police that he strongly believe that Mani Ram did not commit suicide and was murdered by Radha Devi. On these broad allegations, the above case was registered for the offence punishable under Section 307 IPC.

Learned counsel for the petitioner contends that the petitioner is the wife of the victim namely Mani Ram and has falsely been implicated in this case by complainant-Brijesh Kumar, who is nephew of the victim. Learned counsel submits that as per the allegations, the relations between the husband and wife were not cordial and the victim ended his life voluntarily by committing suicide, but the complainant has given it a colour of homicidal death. Learned counsel further submits that the case of the prosecution is founded upon the circumstantial evidence, therefore, further detention of the

petitioner may not be necessary as the investigation of the case is complete. He submits that the victim has left behind the two minor children and they require care and attention. She pays for bail.

Learned counsel for U.T. Chandigarh vehemently opposed the prayer on the ground that the victim suffered various injuries and referred to the post-mortem report (Annexure P-5). He submits that as there used to be frequent quarrels between the petitioner and her husband, therefore, the petitioner used a '*Roller*' (Belan) for committing the crime, which was recovered from underneath the bed. He submits that had it been a case of suicide, the petitioner would have informed the neighbours to seek their assistance to bring down the dead body from 3rd floor. He prays that the petitioner does not deserve the concession of bail.

At this stage, learned counsel for the petitioner submits that as per prosecution, the only motive assigned is the quarrel between the husband and wife and all the injuries suffered by the victim were on his neck. He further submits that the samples of nail clippings of the petitioner were obtained by the prosecution for DNA test and the said FSL report (Annexure P-2) does not indicate involvement of the petitioner in the alleged offence.

After hearing the rival submissions of both the learned counsel for the parties, this Court finds that the investigation of the case is complete, but charges have not been framed so far as the case is fixed before the trial Court on 19.04.2021 for the said purpose. The material witnesses are either the close relatives of the victim or the police officials and there does not seem to be any possibility of their being won over at this stage. Since the trial

is likely to consume considerable time to conclude, therefore, her further detention behind bars may not be necessary for any useful purpose, who is presently confined in judicial custody after her arrest on 15.05.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

24.03.2021
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No