

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

CRM-M-15981-2021 (O&M)

(1) Satish ...Petitioner

Versus

State of Haryana ...Respondent

(2) **CRM-M-7186-2021 (O&M)**

Sonu ...Petitioner

Versus

State of Haryana ...Respondent

Date of Decision:- 10.11.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ravinder Hooda, Advocate for the petitioner
in CRM-M-15981 of 2021.

Mr. Sandeep K. Sharma, Advocate for the petitioner
in CRM-M-7186 of 2021.

Mr. Rajiv Sidhu, DAG, Haryana
assisted by ASI Suresh.

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned two petitions filed on behalf of Satish and Sonu seeking grant of regular bail in a case registered vide FIR No.697 dated 4.10.2020 under Sections 302, 201/120-B/34 IPC at Police Station Rohtak City, District Rohtak.
2. The FIR in question was lodged at the instance of Jitender wherein it is alleged that his younger brother Suraj, aged about 26 years, was married to Sonu daughter of Satish about two years back. After the marriage, his brother had been residing with his wife at Surya Colony, Rohtak. The

complainant's brother occasionally used to talk to him over phone and tell him that his wife Sonu and his mother-in-law Kela Devi and other members of her family used to harass him and gave beatings to him. On 4.10.2020, the complainant received information from phone No. 9729812906 to the effect that Suraj has died. Upon receipt of said information, the complainant went to his brother's house where he noticed that there was an injury on the head of his brother which had been caused with a sharp edged weapon and apparently he had died on account of injuries. The complainant alleged that Suraj had been caused injuries by his mother-in-law Kela Devi, his wife Sonu and other persons.

3. The learned counsel for the petitioners have submitted that while the petitioners are named in the FIR but infact it is a case where nobody had witnessed the alleged murder and that no specific role has been attributed to either of the petitioners. The learned counsel has further submitted that the petitioners have been nominated as accused mainly on the basis of a disclosure statement dated 5.10.2020 allegedly made by co-accused Kela Devi (wife of petitioner Satish and mother of petitioner Sonu) wherein she stated that deceased Suraj used to enter into quarrel with her daughter Sonu frequently while in inebriated condition on account of which her entire family was in tension and that on 3.10.2020, she had given blows with tile (brick) to Suraj while he was sleeping and had also given a knife blow to him resulting in his death and that thereafter she went to her house and called her husband Satish in order to dispose off the dead body and to destroy evidence. The learned counsel has submitted that to a similar effect are the statements of Sonu and Satish and that even if all the statements are

accepted to be correct, it is the co-accused Kela Devi, who is alleged to have murdered Suraj and not the petitioners and as such, the petitioners who have been behind bars since the last more than 1 year deserve the concession of bail.

4. Opposing the petitions, the learned State counsel has submitted that the facts and circumstances clearly point towards the guilt of the petitioners inasmuch as a burden lies heavy on Sonu to explain the circumstances under which the deceased Suraj came to be killed in her matrimonial home. The learned State counsel has further submitted that apart from the disclosure statement of the accused Kela Devi, Sonu and Satish, the police during the course of investigation also recorded the statement of Phool Kumar under Section 161 Cr.P.C. who stated that upon hearing noises coming from the room of Suraj he went inside and saw Suraj drenched in blood while Kela Devi was also present there with a tile in her hand. The learned State counsel has further submitted that later said Phool Kumar also saw Kela Devi and Satish dragging the dead body of Suraj to their house and the accused told him to mind his own business as it was their personal matter and that the said statement of Phool Kumar was recorded on 4.10.2020 i.e. on the day of occurrence itself and as such cannot be discarded lightly. The learned State counsel has, however, informed that both the petitioners have been behind bars since the last more than 1 year and are not involved in any other case.
5. I have considered rival submissions address before this Court.
6. It is apparently a case where the complainant had not witnessed the occurrence. Though, the investigating agency has come out with the statement of one Phool Kumar recorded under Section 161 Cr.P.C. who has

stated that on the day of occurrence, upon hearing noises coming from the room of Suraj, he went inside and saw Suraj drenched in blood while Kela Devi was standing near carrying a tile in her hand and had later also seen Kela Devi and Satish dragging the dead body of Suraj but even if all these assertions are taken to be correct, still it is Kela Devi who can be held responsible for committing murder of Suraj. The petitioners may however, be held guilty in case it is established that they had conspired or connived for commission of the said murder. Dragging the dead body by Satish after the murder had already been committed would, under normal circumstances, attract an offence under Section 201 IPC. However, keeping in view the fact that even as per the disclosure statement of the co-accused Kela Devi, it is Kela Devi who had murdered the deceased with the help of a tile and knife and that there was none else present in the room when she committed the murder and while also noticing that the petitioners have been behind bars since the last about 1 year and there has been no progress in the trial, further detention of the petitioners will not serve any useful purpose.

7. Both the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. A photocopy of this order be placed on the file of connected case.

10.11.2021

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No