

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27273-2020
Date of Decision : 26.02.2021

Ajay **....Petitioner**

Versus

State of Haryana **....Respondent**

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.102 dated 05.05.2018 under Sections 302 and 315 of the IPC, registered at Police Station Bhondsi, Gurugram, District Gurugram, Haryana.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant-Bhupinder Singh who is father-in-law of the petitioner, it is stated that his elder daughter Sandhya was married to the petitioner and they used to quarrel and despite the efforts made by the complainant, the petitioner did not mend his ways.

Learned counsel for the petitioner further submits that complainant, later on, came to know that his daughter has been murdered by the petitioner and when he visited the house of his daughter, he found that his daughter was lying dead due to strangulation by his son-in-law i.e. Ajay/petitioner.

Learned counsel for the petitioner further submits that during the investigation, the police arrested the petitioner and recovered a cable wire from him.

Learned counsel for the petitioner further submits that the petitioner is in judicial custody for the last about 02 years and 09 months and is not involved in any other case.

Learned counsel for the petitioner further submits that marriage between the parties took place about 02 years prior to the date of incident and during investigation the police even recorded the disclosure statement of the petitioner, wherein, he has stated that the earlier marriage of deceased Sandhya was solemnized with his elder brother Yogender, who died about 02 years ago and thereafter, her marriage was solemnized with the petitioner.

Learned counsel for the petitioner further submits that in the disclosure statement, it is further stated by the petitioner that on account of non-providing food and misbehaving with his mother, the petitioner could not control himself and with the help of a wire of cable dish he strangled his wife Sandhya and when he was trying to escape, the police came on the spot and arrested the petitioner.

Learned counsel for the petitioner further submits that it will be a matter of trial whether the ligature mark on the neck of the deceased would tally in the manner as stated by the prosecution that it was caused with a cable wire.

Learned counsel for the petitioner further submits that out of 14 prosecution witnesses only 04 prosecution witnesses have been examined so far and it is a case of circumstantial evidence as there is no eye-witness.

Learned counsel for the petitioner further submits that during the subsistence of the marriage of petitioner with deceased Sandhya, complainant or

any of his family members never gave any complaint to the police or any Court with regard to any maltreatment or demand of dowry etc. and petitioner and his wife were living a normal life and it was a case of blind murder in which the petitioner was nominated.

Learned State counsel has opposed the prayer on the ground that the medical evidence supports the prosecution version, however, it is not disputed that only 04 witnesses have been examined so far and petitioner is in judicial custody for the last 02 years 09 months and 19 days.

Learned State counsel, on the basis of affidavit of Investigating Officer, has further stated that on the basis of disclosure statement of the petitioner, he admitted his guilt and as per the postmortem report, the deceased was pregnant with 06 months' fetus and as per the opinion of the doctor, the ligature mark on the neck was consistent with the material of similar kind and the report of RFSL, Bhondsi is still awaited.

I have heard learned counsel for the parties.

Without commenting on the merits of the case and considering the fact that it is a case of circumstantial evidence and the petitioner is in judicial custody for the last 02 years 09 months and 19 days and out of 14 prosecution witnesses only 04 witnesses, i.e. one doctor and 03 other witnesses, have been examined so far and also in view of the fact that the trial was delayed considerably for a long time due to COVID-19 situation, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

It is made clear that in case the petitioner is found involved in misusing the concession of regular bail granted to him, it will be open for the prosecution to apply for cancellation of bail.

26.02.2021

Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No