

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

CRM-M-1189-2021

Date of decision: 12.11.2021

Monika

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. K.S.Jetley, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Manjari Nehru Kaul, J. (Oral)

This is the second petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.09 dated 16.01.2018 under Sections 302, 346, 364, 120-B IPC registered at Police Station Sector 20, Panchkula.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been in custody since 25.01.2018 in a case of false implication without there being any qualitative evidence on record to connect her with the offence in question. While inviting the attention of this Court to the FIR (Annexure P-1), he has submitted that it was registered under Section 346 IPC on 16.01.2018 by Manmohan Singh, co-accused, soon after his wife i.e. deceased Rajni Bala @ Nitu went missing from her house. He has further submitted that after six days of the disappearance of

the deceased on 22.01.2018, her parents during investigation for the first time raised a suspicion about the involvement of her husband-Manmohan Singh in her kidnapping as well as her likely murder. Soon thereafter on 25.01.2018 co-accused Sandeep Gill @ Kala, who happens to be the brother-in-law of the present petitioner, was produced by PW-9 Jaswant Singh, Sarpanch, PW-1 Rajinder Kumar and PW-10 Ramesh before the police as he had suffered an extra judicial concession before them to the effect that as to how under a pre-planned conspiracy they had carried out the murder of the deceased Rajni Bala @ Nitu on 22.01.2018 and after strangulating her to death with the rope dumped her deadbody in a pit in Sector 24, Panchkula. It has been urged by learned counsel that since it is a case resting on circumstantial evidence, the motive to commit the crime in question i.e. an extra marital affair between the petitioner and Manmohan Singh (husband of the deceased) as per the prosecution was revealed by the co-accused Sandeep Gill @ Kala to the aforementioned three witnesses i.e. Jaswant Singh, Rajinder Kumar and Ramesh, however, PW-9 Jaswant Singh while stepping into the witness box during trial, did not support the prosecution version and was thus declared hostile. He has further submitted that in the circumstances once the genesis of the crime i.e. extra marital affair was not established, the case of the prosecution stood demolished. He has further submitted that in addition to the aforementioned, even the dead-body, had not been recovered till date, which yet again created a big question mark about the authenticity of the case as propounded by the prosecution. It was further submitted that even the rope with which the petitioner allegedly strangled the deceased to death as well as the ring of

the deceased, which was recovered from the petitioner in pursuance to her alleged disclosure statement, was too weak an evidence to connect her with the crime in question. A prayer, therefore, has been made that in the aforementioned facts and circumstances the petitioner deserved the concession of bail as there was no likelihood of the trial concluding in the near future, more so, when 32 prosecution witnesses remained to be examined.

Per contra learned State counsel on instructions from HC Joginder Singh while vehemently opposing the prayer and submissions of the counsel opposite submitted that it had come during investigation that the motive behind the commission of the crime was the extra marital affair of Manmohan Singh, co-accused with the present petitioner. She submitted that no doubt Jaswant Singh, one of the witnesses of extra judicial concession did not support the case of prosecution while deposing in Court but the fact remains that the other two witnesses i.e. PW-1 Rajinder Kumar and PW-10 Ramesh in addition to the brother and maternal aunt of the deceased while stepping into the witness box as PW-3 and PW-4 respectively supported the case of the prosecution in its entirety even qua the motive to commit the crime. She strongly controverted the contention of the counsel opposite of there being no qualitative evidence to link the petitioner with the crime in question. She submitted that after committing the crime, the petitioner along with her brother-in-law i.e. co-accused Sandeep Gill @ Kala, tried to unsuccessfully destroy the evidence of murder by washing their vehicle, in which the deceased was strangled to death by the petitioner with a nylon rope. It was submitted that blood traces

and a small piece of the rope with traces of blood used in the crime in question was recovered from inside the vehicle which in turn on comparison by Forensic Science Laboratory matched with the blood found on the rope recovered in pursuance to the disclosure statement of the petitioner. She also submitted that another piece of evidence, which linked the petitioner with the murder of Rajni Bala @ Nitu was the recovery of a gold ring in pursuance to her disclosure statement. She further submitted that the trial was at a very crucial stage as one of the material witnesses, Sanatan Gupta (witness of last seen), from whose phone, the deceased was asked to come to the place of occurrence by the petitioner was yet to be examined and in case the petitioner was extended the concession of bail, the likelihood of evidence being tampered with and material witnesses being influenced could not be ruled out.

Heard learned counsel for the parties and perused the material available on record.

From the facts and circumstances on record, since the present case rests on circumstantial evidence, it may not be safe and just at this stage to comment upon the evidentiary value of the prosecution evidence, which has been adduced or is likely to be adduced, more so, when some material witnesses are yet to be examined. No ground is, therefore, made out to extend the concession of bail to the petitioner.

Accordingly, the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

At this stage, a prayer has been made for issuance of directions

to the trial court for expeditious conclusion of the trial as the petitioner has been in custody since 25.01.2018.

In the wake of the long period of incarceration of the petitioner, this Court deems it fit to direct the trial Court to endeavour to expedite the trial and conclude the same preferably within a period of six months.

12.11.2021
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No