

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-11969-2022

DATE OF DECISION: MARCH 25, 2022

RANJEET

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. A.S. JASWAL, ADVOCATE FOR THE PETITIONER.
MR. VIJESH SHARMA, ADDL.A.G., HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.386 dated 30.5.2021, under Section 302, 201, 34, 120-B IPC, Police Station Sadar Hisar, District Hisar, who is in custody since his arrest on 3.6.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge,-cum-Judge, Special Court for Heinous Crime Against Women, Hisar, in the order dated 7.3.2022, are as under:-

“Prosecution case is that on 30.05.2021, Krishna Devi daughter of Balbir Singh, wife of Krishan Kumar resident of village Daulatpur along with her husband and other family members came to police station and presented a complaint to the effect that her father died 2 years ago. Her brother Jaibir died five years back. Her mother Shanti Devi along with her sister-in-law Mainawati w/o Jaibir and her children was living in village Jakhod Khera. In the morning of 27.5.2021, she received a call regarding death of her mother. Thereafter, she along with her husband reached there. Dead body of

her mother was lying on the cot and there were injury marks on her neck. Ladies present there were saying that she has been killed. At this she became unconscious. Her husband took her to a doctor in village Daulatpur. There she gained conscious after 2 days. Naresh, son of her paternal aunt, told her that Mainawati was talking to one Ranjit to cremate her mother at the earliest so that no one came to know that they have killed her. Hearing their conversation, Naresh took photographs of dead body of her mother. Naresh disclosed it to Kanha Ram who also took photographs from his mobile. On making inquiry, she came to know that Mainawati was not a lady of good character and Ranjit used to visit her. They both killed her mother. Mainawati's father Pusa Ram, her mother and brother Rajesh cremated her mother in order to cover up the offence. She requested that legal action be taken against them."

Learned counsel for the petitioner has argued that the victim, namely, Shanti Devi was residing with co-accused Mainawati wife of Jaibir and she died in the house of said co-accused. According to him, there is no evidence to suggest that the death of the victim was homicidal, as there is no post mortem report on record and the complainant, who is the sister-in-law of co-accused Mainawati has falsely implicated the accused including the petitioner suspecting his illicit relations with the co-accused Mainawati. He has produced the order dated 14.2.2022, whereby co-accused Mainawati @ Birmati has been released on regular bail by this Court vide order dated 14.2.2022, passed in CRM-M-46098-2021. He prays that the petitioner be also released on bail.

On the other hand, learned State counsel assisted by ASI Rajesh

has opposed the aforesaid prayer. However, it is not disputed by him that indeed there is no post mortem report as the victim was cremated much before the complaint by the complainant.

Considering the above background, the custody of the petitioner, and the fact that challan stands filed, however, the trial is yet to commence and the co-accused of the petitioner has already been released on regular bail, further detention of the petitioner may not be necessary for any useful purpose, as the trial would take considerable time to conclude.

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

The petition is allowed.

March 25, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No