

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

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CRM-M-21300-2021 (O&M)

Date of Decision: 10.05.2022

Jagdish

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Munish Behl, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Narinder Kumar.

GURVINDER SINGH GILL, J. (Oral)

CRM-16140-2022

For the reasons mentioned in the application, the same is allowed and the statements annexed with the application are taken on record as Annexures P-6 & P-7, subject to all just exceptions.

CRM-M-21300-2021

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.05 dated 03.08.2020 at Police Station Sector-9, Ambala City, Ambala, under Section 302 IPC.
2. The FIR was lodged at the instance of Surinder Singh, wherein it has been alleged that his sister Seema was married to Jagdish (petitioner) on 27.02.2002 and had been blessed with two children. It is alleged that his sister had told him that there was a dispute in their family and also disclosed that her husband Jagdish was

having illicit relations with someone. It is further alleged that on 03.08.2020, when the complainant was away to work, he received a telephone call from his elder brother Mohinder Singh informing him that Seema had died. The complainant immediately called his brother-in-law Jagdish Kumar asking him about the same and who stated that Seema had suffered cardiac arrest. The complainant alleged that his sister had been killed by Jagdish Kumar.

3. Learned counsel for the petitioner has submitted that it is a case of circumstantial evidence and that during the course of trial, the complainant Surinder Singh (PW-9) as well as Mohinder Singh (PW-8), both of whom are brothers of the deceased, have absolutely resiled and have not supported the case of the prosecution at all. It has further been submitted that apart from the aforesaid witnesses, there is no other evidence to connect the petitioner with the alleged death of Seema except recovery of a *dupatta* from the present petitioner, which can hardly be said to be a substantial piece of evidence.
4. Opposing the petition, learned State counsel has submitted that since the deceased was found to have died an unnatural death i.e. by way of strangulation as per medical evidence and she had died in her matrimonial home, a burden lay heavy on the petitioner to explain the circumstances under which the deceased lost her life particularly in view of provisions of Section 106 of the Evidence Act. Learned State counsel has further submitted that since the

Doctor has stated that the deceased could have been strangled with the help of *dupatta*, the complicity of the petitioner is clearly evident. Learned State counsel has, however, not denied the fact that both the brothers of the deceased, who have been examined before the trial Court, have not supported the case of the prosecution at all. It has also been informed that the petitioner as on date has been behind bars since the last more than 1 year & 9 months and that he is not involved in any other case.

5. I have considered rival submissions addressed before this Court.
6. It is not disputed that it is a case of circumstantial evidence, which is stated to be mainly in the nature of recovery of a *dupatta* from the petitioner. In any case, the real brothers of the deceased, who have been examined before the trial Court, have not supported the case of the prosecution at all. The petitioner has already been behind bars since the last more than 1 year & 9 months and is not even stated to be involved in any other case. Conclusion of trial is likely to consume time. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.05.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No