

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

207

CRM-M-29121-2022

Date of Decision: 06.08.2022

Balraj ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Kamal Deep Sehra, Advocate, for the petitioner.

Mr. Krishan K. Chahal, Addl. AG, Haryana,
assisted ASI Parvind.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.0532 dated 01.09.2021 at Police Station Sonipat City, under Sections 302, 201 & 346 IPC.
2. The FIR was lodged at the instance of Babita, wherein it has been alleged that her sister Lalita, her husband Balraj and their son Tanish had been missing from their residence since 28.08.2021 and although she had tried to contact her brother-in-law and sister several times on mobile phones, but the same were found to be switched off. It has been alleged therein that she suspected that her sister, her brother-in-law and their son had been kept hidden somewhere by some unknown person.
3. It is further the case of the prosecution that subsequently on 17.09.2021, a written application was submitted by complainant Babita and her husband Krishan to the police to the effect that upon inquiries made by

them at their own level, they had come to know that in fact Lalita had been murdered by her own husband Balraj (petitioner) and who had disposed of her dead body. Pursuant to submission of said application, Balraj was arrested on the same day on 17.09.2021 and upon interrogation, he suffered a disclosure statement to the effect that he had killed his wife Lalita and had thrown away her dead body on the night intervening 27/28.08.2021 in a river in NCR Delhi. Although efforts were made to trace out the dead body, but the same could not be located.

4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that there is no credible evidence to connect him with the alleged disappearance of his wife. Learned counsel has further submitted that in fact the petitioner came to be nominated as an accused on the basis of some wrong impression carried by complainant Babita and her husband Krishan, who had submitted an application with the police on 17.09.2021 naming the petitioner as an accused, but when the said Babita and her husband Krishan stepped into witness-box, none of them supported the case of the prosecution at all and have categorically stated that the petitioner had never committed murder of Lalita. Learned counsel in this regard has drawn the attention of this Court to the statements of the said witnesses annexed with the petition as Annexures P-2 & P-3.
5. Opposing the petition, learned State counsel has submitted that upon arrest of the petitioner, he had confessed his guilt by stating that he had strangled her wife to death. Learned State counsel has further submitted that pursuant to disclosure statement made by the petitioner,

- efforts were made to recover the dead body, but the same could not be found, however, earrings of the deceased were found by the bank of the river where dead body had been thrown, which would show the complicity of the petitioner. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 11 months and that challan already stands presented and that the petitioner otherwise is not involved in any other case.
6. I have considered rival submissions addressed before this Court.
7. Having regard to the fact that it is a case based on circumstantial evidence and that the complainant and her husband had both resiled from their statements and while also noticing that the petitioner has been behind bars for a substantial period of about 11 months and the petitioner is not even stated to be involved in any other case, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. 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.

06.08.2022

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**(GURVINDER SINGH GILL)
JUDGE**

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