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Neutral Citation No.2023:PHHC:078582

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

CRM-M-36311-2022

Date of decision: 30.05.2023

Anil Kumar Vishwakarma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**Present:** Ms. Monika Jangra, Advocate
for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J. (ORAL)

1. Petitioner has filed the instant petition under Section 439 Cr.PC seeking regular bail in case FIR No.17 dated 24.02.2021 under Section 302 of IPC registered at Police Station City Banga, District SBS Nagar, Punjab.

2. The brief facts of the prosecution case are that the instant FIR was registered on the basis of the statement of complainant Balwinder Singh who stated that he was working as Assistant General Manager with G.R. Infra Project Ltd. and we are into the construction of overbridge on the main road at Banga City. Our camp is located at main road Mohalo. Petitioner-Anil Kumar Vishwakarma son of Vishwa Nath resident of Kushmatha, Post office Panpatha, Distt. Umaria, State Madhya Pradesh has been working as Assistant Manager in our company for the last 10 years approximately. He had got transferred in this project from Meerut along with his family on 07.02.2021. In his family, he has his wife Anupama Vishwakarma, two sons and one daughter, elder son aged 8 years, daughter aged 5 years and younger son aged 3 years. He is residing in NRI colony, Banga, at a rented accommodation, rent out by Anil Kumar. Day

before yesterday, on 22/02/2021, petitioner-Anil Kumar Vishwakarma had

posted his wife's picture on his Facebook ID with quotation "Today my wife is left our life 22/02/2021, thanks god". I took a screenshot of this post after watching the same and asked petitioner-Anil Kumar Vishwakarma, "what happened to your wife?" He told me, "Nothing. It's our family matter." Then he deleted this post. Yesterday on 23.02.2021, at around 08:30 in the evening. Petitioner-Anil Kumar Vishwakarma came to our camp for dinner along with Parveen Kumar; his three children in the car but his wife was not accompanying him and we got suspicious and I asked him, "why your wife has not come along for dinner?" but he didn't come up with any satisfactory reply and thereafter I had a word with our camp head Shri Sushil Kumar son of Shri Gurditta Mall, resident of Dhilwan and both of us reached at the spot where overbridge is under construction, where we met petitioner-Anil Kumar Vishwakarma at the work site, who told us upon our asking that character of my wife Anupma was not good and she was in relation with some boy in Meerut, who used to made visit to my wife in my absence and my wife used to prevaricate initially on my asking today on 23.02.2021 at 5/6 pm in the evening she admitted her guilt and revealed everything to me. I was unable to tolerate and illuminated my wife by strangulating her neck with cloth and choking her neck with foot in the room at my residence and set her on fire with a blanket covering her body. Thereafter both of us took along petitioner-Anil Kumar Vishvkarma to his residence at NRI Colony Banga and petitioner-Anil Kumar Vishwakarma opened the lock of his kothi and we witnessed that his wife's body was on fire. Thereafter, I made a call to you and revealed all the circumstances and passed the information. You have reached on the spot along with the police party. Statement has been made to you. The same has been taken.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case. He is in custody since

26.02.2021. He further submits that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 23 prosecution witnesses 07 have been examined and 03 private witnesses namely Balwinder Singh-PW1(complainant), Sushil Kumar-PW2 and Budhu Lal-PW3/father of the deceased and father-in-law of the petitioner have not supported the case of the prosecution. He is not involved in any other case. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. Per contra, learned State counsel, while placing on record, the custody certificate, opposes the prayer for grant of regular bail to the petitioner by stating that keeping in view the serious allegations leveled against the petitioner he is not entitled for grant of concession of regular bail. However, he could not dispute that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 23 witnesses 07 have been examined and 03 private witnesses including the complainant, have not supported the prosecution case. He is not involved in any other case.

5. I have heard learned counsel for the parties and perused the record.

6. Keeping in view the custody of the petitioner, which is about 02 years 03 months and 2 days; investigation is complete; challan has been presented; charges have been framed and out of 23 witnesses, 07 witnesses have been examined; 03 private witnesses namely Balwinder Singh-PW1(complainant), Sushil Kumar-PW2 and Budhu Lal-PW3/father of the deceased and father-in-law of the petitioner have not supported the prosecution case; no recovery has been effected from the petitioner; petitioner is not involved in any other case and trial is likely to take a considerable time.

7. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail

subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. Accordingly, the present petition stands disposed of.
9. Nothing observed herein shall be construed as an expression of opinion on the merits of the case of either parties.

30.05.2023
Parveen kumar

(NAMIT KUMAR)
JUDGE

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