

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M 38276/2023
Date of decision: 10.08.2023.

Randeep

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Manoj Pundir, Advocate and
 Mr. Manu Sangwan, Advocate for the petitioner.
 Mr. Brijesh Sharma, AAG Haryana

Nidhi Gupta, J.

Prayer in this first Petition under Section 439 Cr.PC. is for grant of Regular bail to the petitioner in case FIR No. 43, dated 07.03.2023, registered under Section 304-B & 34 of IPC (section 302 of IPC was added later on) registered at P.S. Jathlana, District Yamuna Nagar, Haryana, during the pendency of the trial.

Ld. Counsel for the petitioner submits that FIR in the present case has been registered on the basis of complaint filed by the father of the deceased. The petitioner is brother-in-law of the deceased i.e Deceased was married to the younger brother of the petitioner on 13.4.2018. Ld. Counsel submits that the petitioner has been falsely implicated in the matter as the deceased had died a natural death. It is stated that the deceased used to suffer from seizures even prior to her marriage. In support of his contention Ld. Counsel refers to Annexure P-2 dated 2.5.2017 which is EEG report of the

deceased wherein it has been recorded that the deceased was suffering from seizures. Ld. Counsel also refers to 2nd EEG report dated 21.5.2018 wherein too it is recorded that the deceased suffered from seizures. It is further submitted that the petitioner did not even reside in the matrimonial home of the deceased; and there was no prior complaint ever made against petitioner or his family. It is lastly submitted that even the name of the petitioner has been wrongly mentioned in the FIR as 'Ranbir'. It is stated that this goes to show that the complainant has levelled omnibus allegations against the accused/petitioner, without even being sure of the identity of the petitioner.

Ld. State counsel has produced custody certificate dated 9.8.2023 which is taken on record, according to which petitioner has already suffered incarceration of 05 months and 2 days. Ld. State counsel submits that death in this case has taken place within seven years of marriage, and as per postmortem report three injuries were found on the person of the deceased. It is further contended that it has been recorded in the impugned order that the petitioner made a confessional statement wherein he has admitted the allegations made in the FIR, to the effect that he along with his other family members took the victim to the bathroom and pushed her head towards the wall of the bathroom because of which she became unconscious and thereafter husband of the deceased strangled her. Ld. Counsel informs that investigation is complete and charges have been framed.

Ld. Counsel for the petitioner submits that as per PMR no ligature marks have been reported on the neck of the deceased. It is further submitted that 3 injuries referred to by the ld. State counsel are mere abrasions which could have occurred on the body of the deceased during seizures.

After hearing ld. counsel for the parties, without commenting on the merits of the case, however, keeping in view the totality of the facts and circumstances of the case, including the fact that the petitioner has undergone total custody as undertrial for 05 months and 2 days; prosecution evidence is yet to begin and as such conclusion of trial will take some time; petitioner is not involved in any other case; and therefore, no useful purpose would be served by keeping the petitioner in custody, the present petition is **allowed**. The petitioner Randeep son of Late Mehar Singh is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of CJM/Duty Magistrate concerned.

10.08.2023.
Joshi

(Nidhi Gupta)
Judge