

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51229-2022
DECIDED ON: 23rd MARCH, 2023

MUKESH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Ms. Veena Hooda, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in case FIR No. 272, dated 27.12.2020, under Sections 302 and 34 of the Indian Penal Code, 1860 (for short 'the Act'), registered at Police Station Linepar Bahadurgarh, Jhajjar, District Jhajjar.

Learned counsel for the petitioner contends that the main witnesses namely Rahul (PW-5), who is the complainant, and Surrender (PW-6) have been turned hostile, as is evident from their depositions, which are attached with the present petition as Annexures P-2 and P-3 respectively. It has been alleged that there is no direct evidence to connect the petitioner in commissioning of offence, if the prosecution version is taken to be a gospel truth. It has further asserted that as per FSL there is no sign of skin peel or hair to rule out the alleged strangulation as has been incorporated in the FIR by the prosecution.

is taken on record. According the said custody certificate the petitioner has undergone the incarceration for a period of 2 years 2 months and 9 days as of now. Learned State counsel has argued that according to FSL report, Saliva of the petitioner was found on the Parna (Gamcha) of the petitioner apart from skin and blood belonging to the deceased in the nails of the petitioner.

This Court has minutely examined the statement of PW-5, Rahul son of the petitioner who was declared hostile by the prosecution but in the cross-examination there are certain facts which cannot be appreciated in favour of the petitioner while considering the instant petition for granting regular bail to him apart from the fact that the custody undergone by the petitioner is also just 2 years, 2 months and 9 days only.

This Court is also obvious of the fact that the petitioner who was the husband of the deceased, is the sole accused in the present case and allegation of strangulation of his own wife is there, who was initially supported by the statement made by none other than his own children, who now may be declared hostile by the prosecution but at this juncture, this Court is not convinced with the arguments advanced by learned counsel for the petitioner.

In view of the discussions made hereinabove and also looking into the gravity and seriousness of offence, the petitioner does not deserve the concession of regular bail. Accordingly, the present petition stands dismissed being devoid of any merit.

23rd MARCH, 2023
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(SANDEEP MOUDGIL)
JUDGE

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