

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

2024:PHHC:057250
CRM-M-19691-2024
Date of decision: April 26th, 2024

Rajpal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Navdeep Singh, Advocate
for Mr. Randeep S. Dhull, Advocate
for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.309 dated 24.08.2018 under Sections 302, 120-B, 34 of the IPC registered at Police Station Sadar Tauru, District Nuh.

2. Learned counsel for the petitioner, *inter alia*, contends that a totally false and fabricated case has been planted upon him for having committed the murder of his wife, who was in an advance stage of pregnancy. Learned counsel has submitted that it is a case resting on circumstantial evidence and no clear-cut motive has been attributed to the petitioner, which could even remotely hint towards his complicity in the crime in question. It has been further submitted that after he was arrested on 26.08.2018, only ten witnesses out of the 23 cited by the prosecution had been examined and hence, there was no likelihood of the trial concluding in the near future. It has still further been submitted that recovery of bloodstained *gandasi* i.e. the weapon of offence was allegedly affected from the petitioner, however, there was no

corroborative scientific evidence on record to link the alleged weapon with the crime in question.

3. *Per contra*, learned State counsel, on instructions, while opposing the prayer and submissions made by the counsel opposite, has submitted that the deceased, who was eight months pregnant, was taken by the petitioner to an isolated spot in a dense forest, tied to a tree and thereafter, brutally murdered with a *gandasi*. It has been further submitted that the complicity of the petitioner in the crime in question is writ large from the fact that it was at the instance of the father of the deceased that the FIR in question came to be lodged after the deceased was untraceable. Learned State counsel has still further submitted that not only the weapon of offence i.e. a bloodstained *gandasi* was recovered pursuant to a disclosure statement made by the petitioner on being arrested but even bloodstained clothes of the petitioner were recovered. It has been further submitted that the next date fixed before the trial Court is 06.05.2024 when some more witnesses are likely to be examined. Learned State counsel has submitted that no doubt that there had indeed been a delay in conclusion of the trial, however, it was on account of the challan having been presented only in May 2023.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. *Prima facie*, the petitioner is accused of committing a heinous crime of brutally murdering his wife, who was in an advance stage of pregnancy. Though it was argued by the learned counsel for the petitioner that the deceased had gone missing, however, it has not been disputed by the petitioner that no missing report was ever lodged by him qua the missing of the deceased.

6. Be that as it may, this Court would not be inclined to extend the concession of bail to the petitioner in view of the allegations levelled against him and the mode and manner in which the alleged crime was given effect to.
7. The instant petition stands dismissed.
8. However, the trial Court is directed to make earnest efforts to expedite the trial and conclude it at the earliest preferably within the next four months.
9. It is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

April 26th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No