

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34885-2023

Date of Decision: January 23, 2024

DHARAMPAL SINGH

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rahul Rathore, Advocate for the petitioner.
Mr. Chetan Sharma, DAG, Haryana.

HARKESH MANUJA, J. (ORAL)

By way of this fourth petition filed under Section 439 CrPC, prayer has been made for grant of regular bail pending trial in case FIR No.59 dated 14.03.2020 registered under Sections 302, 379 & 201 IPC and Sections 27 and 29 of NDPS Act, at P.S. Nissing wherein, the petitioner has been implicated on the basis of investigation for having murdered Ravi Verma i.e. the husband of the complainant.

2. The prayer made herein has been opposed at the instance of learned State counsel while submitting that there has been direct evidence against the petitioner in the shape of call details besides, the recovery of blood-stained turban of the petitioner which matched with the blood of the deceased as per the report of the chemical analyzer.

3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

4. In the present case, the petitioner is already behind the bars for a period of almost 3 years and 10 months whereas, only 8 of the prosecution witnesses have been examined so far out of total of 34. The complainant who appeared as PW-4 has stated in the cross-examination that her husband died due to use of drugs as per the information provided to her by the police officials though, the same has been disputed by her. In this regard, the relevant portion from the cross-examination is reproduced hereunder:-

“I contacted the police in order to know the cause of death of my husband. I came to know about the cause of death of my husband through FSL report that my husband died due to use of drugs. I do not know source of purchase of drugs by my husband. My husband did not keep the drugs with him at our residence. It is incorrect to suggest that my husband was so addicted that he could not live with consuming drugs and therefore, he rush for money for buying the drugs. It is incorrect to suggest that my husband died of over consuming of drugs.”

5. Further, as per the statement made by Dr. Sheenu Chaudhary, Deputy Civil Surgeon, Karnal who appeared as PW-6 and conducted the post-mortem following observations were recorded in her cross-examination:-

“According to this report, there was no symptom of poisoning/intoxicant etc. in this report. It is correct that as per the report of histopathology there was a interstitial inflammation of the lungs of the deceased. It is correct that interstitial inflammation is a disease. It is correct that this

disease is caused due to pneumonitis. It is correct that edema and congestion of the lungs could be due to the aforesaid disease. It is correct that generally this type of disease takes place due to consolidation of some substance like pus, blood etc, but in this case we had not detected any pus or blood etc. It is correct that consolidation in the lungs can take place due to virus and bacterial infection.”

6. In view of the aforesaid deposition made by the doctor conducting the post-mortem as well as the fact that the trial is pending for the past almost 4 years and considering the right of the petitioner as regards speedy trial, flowing from Article 21 of Constitution of India, this Court does not find justification to extend his incarceration any further.
7. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.
8. Nothing construed herein shall be treated as an expression of opinion on the merits of the case.

23.01.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No

