



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

221

CRM-M-44011-2024

Date of decision: 11.09.2024

Satyawar @ Fauji

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vinod Ghai, Sr. Advocate with
Mr. Arnav Ghai, Advocate and
Mr. Amritpal Singh Maan, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.482 dated 22.07.2021 under Sections 346 of the IPC (deleted lateron) and Sections 302, 201, 506 of the IPC (added lateron) registered at Police Station Sector-10, District Gurugram.

2. Learned senior counsel for the petitioner submits that the deceased, Reena Pandey, wife of the complainant Vijay Pandey, allegedly went missing on 12.07.2021. Strangely, the complainant delayed filing a report and only lodged an FIR on 22.07.2021, 10 days after her disappearance, in which he expressed his suspicion that someone had taken his wife hostage. The FIR was registered under Section 346 of the IPC, and an investigation by the police ensued,



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ultimately resulting in an untraced report.

3. Learned senior counsel for the petitioner submits that, curiously, after more than two and a half years, on 18.01.2024, the complainant made a supplementary statement (Annexure P-2). In this statement, he claimed that his daughter had informed him that on 12.07.2021, the deceased had left in the company of one Jitender @ Romeo. Daughter of the complainant also made a statement to this effect on the same day, confirming that her mother i.e. the deceased, had indeed left with Jitender @ Romeo. Subsequently, Jitender @ Romeo's statement under Section 161 of the Cr.P.C. (Annexure P-4) was recorded on 18.01.2024, in which he alleged that he had gone to the house of the deceased at the behest of the petitioner, with whom the deceased had illicit relations. Jitender @ Romeo further stated that while accompanying the deceased, they met the petitioner on the way, who then strangled the deceased and disposed of her body by throwing it into a river.

4. However, the learned senior counsel has contended that when Jitender @ Romeo testified before the learned Trial Court as PW4, he did not support the case of the prosecution and was declared hostile. It has still further been argued by the learned senior counsel that the narrative given out by the prosecution is inherently implausible and defies belief. It is improbable that if the deceased had left with Jitender @ Romeo on the day of her disappearance, the complainant would not have known this crucial fact when he lodged the FIR on 22.07.2021. Moreover, it is highly unlikely that both the complainant



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and his daughter would withhold such vital information for more than two and a half years.

5. Learned senior counsel has further argued that the body of the deceased has not been recovered to date, raising serious doubt about the credibility of the case of the prosecution. This doubt is compounded by the failure of PW4, Jitender @ Romeo, to support the case of the prosecution before the learned Trial Court. Given these circumstances, learned senior counsel has argued that further incarceration of the petitioner would serve no useful purpose as all the key witnesses in the present case, including the complainant, his daughter and PW4 Jitender @ Romeo, have already been examined and there are no other material witnesses left to be examined.

6. Per contra, learned State counsel while opposing the prayer made by learned senior counsel for the petitioner, on instructions, has acknowledged that the original FIR which was filed on 22.07.2021 contained no allegations against the petitioner, nor was there any mention of the deceased leaving in the company of PW4 Jitender @ Romeo. However, learned State counsel has asserted that the complainant and his daughter had reiterated the statements made by them on 18.01.2024 under Section 161 of the Cr.P.C. while stepping into the witness box and had thus, supported the case of the prosecution.

7. I have heard learned counsel for the parties and perused the material placed on record.

8. The petitioner has been in custody since 19.01.2024.

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Notably, when the FIR was initially lodged, no allegations were levelled against the petitioner. The case of the petitioner emerged solely from the statement of PW4 Jitender @ Romeo, who while stepping into the witness box, however, did not support the case of the prosecution as a result of which he was declared hostile. Furthermore, both the complainant and his daughter, the other key witnesses, have already been examined. In the facts and circumstances as enumerated hereinabove, coupled with the fact that the trial is likely to take considerable time to conclude since as many as 17 witnesses still remain to be examined, further incarceration of the petitioner would serve no useful purpose. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

9. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

11.09.2024

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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