

registered under Sections 302, 201, 34 IPC at Police Station Model Town, Panipat, District Panipat. The first petition of petitioner-Joginder Singh was dismissed as withdrawn on 08.10.2021.

3. The case set up by the prosecution is that marriage of the petitioner-Joginder Singh was solemnized with Reeta, sister of complainant, on 22.05.2004 and out of the legal wedlock, two children were born. As per the complainant, the petitioner-Joginder Singh was harassing Reeta since long and regarding this, Reeta had filed several complaints against him. An FIR no.1273 was also lodged in this regard. In February 2020, Reeta and Joginder had filed a petition for divorce on mutual consent and the petitioner-Joginder had given a sum of Rs.5.50 lacs to Reena and remaining amount of Rs.5.50 lacs was to be given on 10.8.2020 and the petitioner-Joginder was required to transfer H.No.1316, Kuldeep Nagar, Kabri Road, Panipat in the name of Reeta, as per compromise. On 14.8.2020 at about 5.00/6.00 P.M., the petitioner-Joginder took Reeta at Kashyap Colony godown on scooty but she did not return back. At about 7.00 A.M., on the next day, the petitioner-Joginder called the complainant informing him that Reeta had gone to the godown but when he came back, he found that scooty was standing at the bank of the canal. Upon this, the complainant and his family members went to the matrimonial house of Reeta, where her children disclosed that Reeta was demanding money and transfer of house from the petitioner-Joginder. Earlier also, on 10.06.2020 at about 4.00 P.M., the petitioner-Joginder had taken Reeta and Richa to the bank of the canal on scooty and he threw the scooty in the canal but people had saved Reeta and her daughter and the petitioner-Joginder himself swam out of the canal. Thus, the complainant had put suspicion that the petitioner-Joginder had murdered Reeta to avoid the payment of remaining amount of Rs.5.50 lacs

and to avoid transferring the house in her name and thereafter, he threw the

dead body in the canal. On his application, formal FIR under Sections 302/201 of IPC was registered.

4. Learned counsel for the petitioner *inter alia* contends that the motive as stated by the complainant is matrimonial dispute between the petitioner-Joginder and his wife Rita. The complainant is the brother of the wife of the petitioner-Joginder, who had committed suicide by jumping into the canal. There was no dispute between the petitioner-Joginder and his deceased wife as both of them had already approached the concerned Family Court by seeking a decree of divorce, by way of mutual consent filed under Section 13-B of the Hindu Marriage Act. Both the petitioner-Joginder and his deceased wife had already recorded the statement in the first motion and the petitioner-Joginder had paid the agreed amount of Rs.5,50,000/-. The complainant has falsely implicated the petitioner-Joginder in order to grab his property by concocting a false story. The facts and circumstances of the case clearly show that the deceased wife of the petitioner had committed suicide. The petitioner-Joginder is behind the bars since 23.08.2020 and he has suffered the incarceration for more than 03 years and 05 months and the trial of the case is progressing at snail's pace.

5. A perusal of pleadings of CRM-M-27594-2023 would indicate that the allegations against the petitioner-Sonu @ Kala are that he conspired with petitioner-Joginder to murder his wife-Rita.

6. Per contra, learned State counsel opposes the grant of regular bail to the petitioners on the ground that petitioner-Joginder is the main accused and there is no sufficient material available on record to establish the complicity of the petitioner-Joginder in murdering his wife, however, he could not controvert the fact that the petitioners are not involved in any other case and the trial of the case has not made much progress in spite of passing of more than 03 years.

7. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that petitioner-Joginder Singh is in custody since 23.08.2020 and he has already undergone a custody of 03 years, 05 months and 02 days and petitioner-Sonu @ Kala has undergone a period of 02 years, 05 months, 20 days as on 24.01.2024, as per the custody certificates submitted by learned State counsel and trial of the case has not made much progress as out of 39 witnesses cited by the prosecution, only 04 have been examined so far. Culpability, if any, would be determined at the time of the trial. No useful purpose would be served by further detention of the accused-petitioner.

8. Keeping in view the facts and circumstances of the case, the present petitions are allowed without commenting upon the merits of the case lest it may prejudice the outcome of the trial and the petitioners Joginder Singh and Sonu @ Kala are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

9. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

January 25, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |