

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-56788-2023 (O&M)
Date of decision: 30.04.2024

Khalid ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Gopal Sharma, Advocate
for the petitioner.

Ms. Nidhi Garg, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No.118 dated 05.06.2021, registered under Sections 304-B and 498-A of IPC (Sections 201, 203 and 302 of IPC added later on) at Police Station City Nuh, District Nuh, Haryana.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that 05.06.2021, on receipt of information regarding death of one Nazma and her dead body lying in Govt. Hospital, Nalhar and her husband Khalid being admitted in the same hospital in injured condition, a police party reached there. The dead body of Nazma was found lying there. Information was given to family members of Nazma. The petitioner, husband of Nazma,

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was discharged from the hospital. A written complaint was lodged by the complainant Farukh, father of Nazma, on the same day making allegations that the petitioner and his family members used to harass the victim on account of demand of dowry and she was murdered by them on account of non-fulfillment of their demands. On the basis of this complaint, FIR was registered. Inquest proceedings and postmortem examination of the dead body of the victim were conducted, as per which, the victim had died due to strangulation, though several injuries were also found on her person including an injury by way of penetration in her abdomen. The petitioner was arrested on the same. He was interrogated and suffered a disclosure statement admitting that the victim had been strangled by him and he had also caused injuries in her abdomen with a screw driver. He suffered a fresh disclosure statement subsequently saying that a knife had been used by him for causing injury in the abdomen of the victim. After completion of necessary investigation and usual formalities, *challan* under Section 173 Cr.P.C. was presented before the Court and presently, the petitioner is facing trial for commission of aforementioned offences. He had moved an application for grant of regular bail before the trial Court but the same was dismissed, vide order dated 04.10.2023.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He is in custody since 05.06.2021. In fact, the death of the victim Nazma had been caused due to injuries sustained by her at the hands of some unscrupulous persons, who had entered into their house on the intervening night of 04/05.06.2021. In the same incident, he too had sustained injuries. False allegations of demand of dowry and causing

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dowry death of the victim had been levelled against him. The prosecution version was quite unnatural and improbable. The investigation has since been completed. Challan has been presented and some material witnesses have already been examined. Trial is likely to take time. His further detention would not serve any useful purpose. Therefore, he has argued that the present petition deserves to be allowed.

4. Status report has been filed by the respondent-State, as per which, the petitioner had murdered his wife by stabbing her in her abdomen and also strangulating her with a *Dupatta*. He has tried to mislead his family members and neighbours that some unknown robbers had come into his house and had murdered his wife and injured him and had also taken her jewelry. Though during investigation, he had got the said jewelry recovered from his own house. There are chances of the petitioner's misusing the concession of bail by tampering with evidence or absconding. The allegations against him are quite serious in nature. Hence, it is urged that the petition deserves to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.

6. The petitioner is alleged to have caused the death of the victim, who was none other than his own wife on the intervening night of 04/05.06.2021. Though as per his version, some robbers/unscrupulous persons had entered into his house and had caused injuries to him and his wife Nazma and the death of the victim had been caused due to this fact and has also placed on record his medico-legal report (Annexure P-2), however, on a bare perusal of the medico-legal report of the petitioner, it is revealed that only

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abrasions of various sizes were found on the arms and left and right side of the abdomen of the petitioner at the time of conducting his medical examination and no serious injury had been found on his person. No marks of struggle are shown to have been found on his person. As per postmortem examination report, the death of the wife of the petitioner was homicidal in nature as it was caused by way of strangulation. The trial is going on and there is nothing on record to suggest that there would be any undue delay in conclusion of the same since as per the version of the petitioner himself, material witnesses have already been examined. The allegations against the petitioner are serious in nature as his wife had died within a period of 07 years of her marriage with him under unnatural circumstances. Her death is also alleged to be a dowry death, which is homicidal in nature. Keeping in view the nature of the accusation as levelled against the petitioner, the part attributed to him, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, this Court is of the considered view that the petitioner does not deserve to be given concession of regular bail. Hence, the petition stands dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

30.04.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>

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