

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.61009 of 2023
Date of Decision: 30.09.2024

Sagar Mal

...Petitioner

Versus

State of Haryana

...Respondent

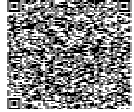
CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Argued by:- Mr. Satbir Singh Gill, Advocate
for the petitioner.

Mr. Sidhant, AAG, Haryana
for the respondent-State.

MEENAKSHI I. MEHTA, J.

By filing the instant petition, the petitioner has made 2nd attempt to seek the relief of regular bail in the criminal case arisen out of FIR No.0126 dated 15.08.2019 as registered at Police Station Nathu Sari Chopta, District Sirsa, under Sections 304-B and 342 read with Section 34 IPC (wherein the Charges are stated to have been framed under Sections 304-B & 342 read with Section 34 IPC with the alternative charge under Section 302 read with Section 34 IPC and the offence under Section 328 IPC is reported to have been added later-on). It is pertinent to mention here that the petition bearing **CRM-M No.13637 of 2023**, filed by the petitioner earlier for seeking the same relief, had been dismissed by this Court vide the order dated 20.09.2023, on account of its having been withdrawn.

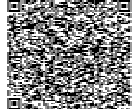


2. Shorn and short of the unnecessary details, the allegations, as levelled by informant-Sunita in the subject FIR, are that she and her sister named Manju (since deceased and here-in-after to be referred as 'the victim') were married to Rakesh and the petitioner respectively. However, the petitioner and his mother used to harass the victim. On 15.08.2019, while she and the victim were busy in the household chores, the petitioner picked up a quarrel with the victim. Then, her (informant's) husband, i.e. accused Rakesh and mother-in-law locked her in a room and she saw through the window that her mother-in-law caught hold of both the legs of the victim and her (informant's) husband gripped her (victim's) hands and the petitioner forcibly poured some spray material in her (victim's) mouth and thereafter, they threw her in a water-tank and closed the lid thereof and thus, they had killed the victim.

3. Reply has already been filed on behalf of the respondent-State, by way of the affidavit of Deputy Superintendent of Police, Head Quarters, Sirsa, along-with Annexures R-1 to R-3.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also gone through the file carefully.

5. Learned counsel for the petitioner has referred to Annexure P-4, i.e. the supplementary statement of the informant and has pointed out that she had stated therein that she had been locked in a room and she did not know as to what the petitioner and her (informant's) husband would have done to the victim and he has contended that the above-narrated contents make the

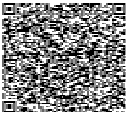


entire version of the informant, as set-forth in the FIR, highly doubtful and even otherwise, the petitioner is behind the bars since 25.08.2019 and in these circumstances, he deserves the relief as prayed for in this petition.

6. Per-contra, learned State counsel has argued that the petitioner is the main perpetrator of the crime as committed in the instant case and keeping in view the gravity of the offence committed by him (petitioner), the present petition be dismissed.

7. As regards the afore-discussed version as stated to have been put-forth by the informant in her supplementary statement, i.e Annexure P-4, it is worth-while to point it out here that this statement had been recorded under Section 161 Cr.P.C, during the investigation of the case and hence, its above-narrated contents do not suffice at all, at this stage, to paint the entire version of the informant with black colour and rather, the effect of the same can and shall be looked into, considered and ascertained by the trial Court at the appropriate stage, in the light of the evidence as would be brought on the record during the course of the trial proceedings.

8. So far as the contention regarding the period of incarceration of the petitioner is concerned, it is again necessary to mention here that in Para no.7 of the preliminary submissions in the Reply, it has categorically been deposed that the co-accused of the petitioner, i.e his mother named Silochna, had subsequently been summoned as an additional accused under Section 319 Cr.P.C and while deposing before the trial Court, the informant and PW Sher Singh have fully supported the case of the prosecution and moreover, during the course of arguments, learned State counsel apprised



the Court that out of the total 16 witnesses as cited by the prosecution, 14 witnesses have already been examined, meaning thereby that the trial proceedings have almost reached at their fag end and the same are likely to be concluded in the near future.

9. As a sequel to the fore-going discussion and keeping in view the gravity of the offence/crime as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the concession of regular bail. Resultantly, the petition in hand stands dismissed accordingly.

10. However, the concerned trial Court is directed to conclude the trial proceedings and to decide the criminal case under reference, in accordance with law, at the earliest possible.

30.09.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No