

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

236

CRM-M-60878-2023 (O&M)
Date of decision: 27.02.2024

Pankaj @ Pankaj Bhardwaj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Vinod Ghai, Sr. Advocate with
Mr. Arnav Ghai, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. This is the fourth petition that has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No. 38 dated 03.02.2019, registered under Sections 302, 34 of IPC (Sections 304-B, 201, 406, 120-B of IPC and Section 25 of Arms Act were added later on) at Police Station Sector 5, Gurgaon, District Gurugram.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 02.02.2019, on receipt of a telephonic information regarding homicidal death of one Neha @ Vanshika by her husband, a police party reached at the spot, wherein the dead body of the victim was found lying

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on a bed. There were multiple injuries on various parts of her body. Forensic team had been called. The dead body was taken for the purpose of conducting inquest proceedings and postmortem examination. On 03.02.2019, the father of the victim Neha recorded his statement to the effect that his daughter Neha was married with the petitioner Pankaj Bhardwaj in April, 2017. No child was born out of the wedlock. After her marriage, her in-laws used to harass her physically as well as mentally. The petitioner used to assault her and hurl abuses to her and this fact was told by the victim to the complainant several times. He had pleaded with the petitioner to not to do so but he did not listen. He alleged that whenever he used to visit matrimonial house of his daughter on the occasion of festivals with sweets and other articles, her in-laws used to throw the same and insulted them. In the morning of 03.02.2019, he received a call from his daughter on his phone and she told him that the petitioner was quarrelling with her and was extending threats to kill her. The complainant pacified her daughter and promised to come to meet her on the next day. On the same day at about 07:30 PM, he received message qua the death of his daughter. On the basis of this statement, initially a case under Section 302 read with Section 34 of IPC was registered. Investigation proceedings were initiated. During investigation, the petitioner was arrested. Offences under Sections 304-B, 201, 406, 120-B of IPC and Section 25 of Arms Act were added later on. After completion of necessary investigation and usual formalities, *challan* under Section 173 Cr.P.C. was presented in Court and presently, the petitioner is facing trial for commission of aforementioned offences.

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3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. He is in custody for the last about five years. He has not caused the homicidal death of his wife. There is no eye witness to the factum of his committing murder of his wife. General and omnibus allegations have been levelled against him. Offences under Sections Sections 304-B, 201, 406, 120-B of IPC and Section 25 of Arms Act were added subsequently on the basis of supplementary statement recorded by the complainant and his wife after making due deliberations and concoctions and no case under Section 304-B of IPC had been made out against him. The trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. Therefore, he has argued that the present petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that there serious and specific allegations against the petitioner. He had committed the murder of his wife by causing several injuries on her person with sharp edged as well as blunt weapons. He had suffered disclosure statement admitting his involvement in the subject crime. The trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion of the same. With these broad arguments, it is submitted that the preent petition is liable 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 carefully.

6. The petitioner is alleged to have committed the murder of his wife in the evening of 02.02.2019 by causing injuries to her with knife and

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with some other sharp edged weapon. Homicidal death of the victim had occurred in her matrimonial home. It is for the petitioner, who is occupant of the same house to explain the manner, in which the death had taken place. No doubt, charges under Section 304-B and 201 of IPC have also been framed as against the petitioner but the fact does not falsify the version of the prosecution and it is on the basis of evidence which will be adduced before the trial Court that it will be decided as to whether either of these offences were proved to have been committed by the petitioner or not? Period of incarceration of accused is not a ground to extend benefit of bail to him. The allegations against him are quite serious in nature and the gravity of the offences is one of the important grounds to deny benefit of bail to an accused. Keeping in view the nature of allegations which have come on record as against the petitioner, 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 at this stage. 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.

27.02.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

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