



243

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

**CRM-M No.13214 of 2025
Date of Decision: 26.03.2025**

Raju**..... Petitioner**

Versus

State of Haryana**..... Respondent****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Navdeep Singh, Advocate for
Mr. Randeep S. Dhull, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

RAJESH BHARDWAJ J.

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.71, dated 24.03.2021, under Sections 302, 201 of Indian Penal Code, 1860, registered at Police Station Sadar Tauru, District Nuh.

2. Succinctly the facts of the case are that FIR in the present case was recorded on the statement of Unas Mohammad. It was alleged that he was the Panch of Gram Panchayat, Dingarheri. On 24.03.2021, he was going towards Mohammadpur from Dingarheri. At around 08:30 A.M., when he reached near KMP bridge, he saw a dead body of a women badly burnt lying there. He suspected that some unknown person had murdered that unknown lady and to destroy the evidences had burnt the dead body. The request was made to take the legal action. On registration of the FIR, the investigation commenced. During the investigation, the Investigating



Agencies identified from the articles recovered from the scene of crime to be of Sonu Devi @ Phoolpari, daughter of Nunu Lal, resident of Bhalipur, Police Station Garpura, District Samastipur, Bihar, who was married with Raju, son of Mahajan, resident of village Meoli. Thus, the petitioner, namely, Raju, i.e. the husband of deceased, was arrested on 31.10.2021. He approached the Court of learned Sessions Judge, Nuh praying for the grant of bail. However, after hearing both the sides, the same was declined by the learned Sessions Judge, Nuh vide his order dated 18.01.2023. Hence being aggrieved the petitioner is before this Court by way of filing the present petition praying for the grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in this case. He has submitted that the petitioner has been implicated in this case only being the husband of the deceased. He has submitted that complicity of the petitioner has been alleged on the basis of sim card recovered from the scene of occurrence, which is totally based on the basis of presumptions and assumptions. He has submitted that after the arrest, confessional statement of the petitioner was recorded and on the basis of the same, the petitioner has been alleged to be the accused for the offence committed. He has submitted that the confessional statement of accused is not an admissible evidence. He has submitted that the petitioner was alleged to have administered the intoxicating pills to the deceased but the prosecution has no evidence to corroborate the same. He has submitted that the record of CDR and IPDR relied upon by the prosecution is not a conclusive evidence for implication of the petitioner in the present case. He has



submitted that case of the prosecution is based on the circumstantial evidence, however the evidences collected against the petitioner are not sufficient enough to prove his guilt. He has submitted that the petitioner is behind bars since the date of his arrest but the trial has not concluded till date. He has submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner is none other than the husband of deceased. He has submitted that during the investigation, the articles recovered from the place of occurrence were analyzed. Call details of the petitioner were also analyzed and as per the tower location, complicity of the petitioner was stranded. He has submitted that after having married the deceased, the petitioner again entered into second marriage and thus, he wanted to get rid of his first wife, i.e. the deceased. He has further submitted that the motorcycle used in committing the crime was recovered from him. He has submitted that the petitioner never made any compliant regarding missing of his wife, rather he kept misleading her relatives that she had already left for Bihar and would reach there. He has submitted that the petitioner after committing the murder of his wife had burnt the dead body by pouring petrol so as to destroy the evidences. He, on instructions, has submitted that out of 13 prosecution witnesses, only 03 have been examined so far. He has thus submitted that keeping in view the gravity of the offences and the overall facts and circumstances, the petitioner does not deserve the concession of bail.



5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner before this Court is the husband of deceased. The case of prosecution is based on circumstantial evidences however, the petitioner is the husband of deceased. As contended before this Court, no complaint was lodged by him regarding his missing wife. During the investigation, prima facie complicity of the petitioner is found on the analysis on the basis of evidences collected. It was alleged by the prosecution that the petitioner killed his wife by giving the brick blow on the back of her head. As per the opinion given in the postmortem, cause of death is opined to be Antemortem Thermal Burn coupled with head injury. The trial is at the initial stage where out of 13 prosecution witnesses, only 03 witnesses have been examined so far.

7. Keeping in view the overall facts and circumstances, this Court does not find any ground to grant bail to the petitioner. Hence the present petition being devoid of any merit is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

26.03.2025

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Whether speaking/reasoned
Whether reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No