

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

**CRM-M-11414 of 2015
Date of decision : 14.07.2015**

Lalu Shah

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Rakesh Nehra, Advocate
 for the petitioner.

Mr. R.S.Doon, AAG, Haryana.

DARSHAN SINGH,J(Oral)

1. This petition has been filed for grant of the regular bail by petitioner Lalu Shah in case FIR No. 423 dated 02.11.2013, for offence under Sections 302/ 201 of Indian Penal Code, registered at Police Station Sampla, District Rohtak.

2. As per the prosecution allegations, on 31.10.2013, complainant Ramesh @ Lila found a dead body of some unknown person lying in his field in decomposed condition. He gave information to Bhoop Singh, Sarpanch. The matter was further reported to the police. On the statement of Ramesh @ Lila, the present case was registered. During investigation, the dead body was identified to be of Montu Mehta. Petitioner Lalu Shah and his co-accused Surat Mehta were arrested on 10.11.2013. They suffered the disclosure statements. In pursuance of disclosure statement of the present petitioner, the blood stained iron rod was recovered. He also pointed out the place of occurrence. On

completion of formalities of investigation, the report under Section 173 Cr.P.C was presented against him. He is in custody since the date of his arrest. Hence this petition.

3. Mr. Rakesh Nehra, Advocate learned counsel for the petitioner contended that the present petitioner has been arrested only on the basis of the disclosure statement of co-accused Surat Mehta. The witness of last seen PW-1 Umesh has not supported the prosecution version. The iron rod allegedly recovered from the possession of the petitioner is not connected with the commission of offence, as no blood was found on it. He further contended that petitioner was in custody since 10.11.2013 and conclusion of the trial will take time. So, the petitioner deserves the concession of bail.

4. Mr. R.S.Doan, Assistant Advocate General, for the State of Haryana contended that the present case is based on circumstantial evidence. He contended that the present petitioner and Surat Mehta were arrested on the same day and both of them have suffered the disclosure statements on the same day. In pursuance of the disclosure statement of the petitioner, the pointed iron rod has been recovered. In the disclosure statement, accused has disclosed that he has caused injuries to the deceased from the pointed side of the iron rod on the stomach and back of the deceased. As per the postmortem examination, injuries no. 4 and 5 on the back of the deceased proved fatal, which have been attributed to the present petitioner. He further contended that the weapon of offence i.e. blood stained pointed iron rod has been recovered from the possession of the present petitioner. He further contended that the place

of occurrence was not earlier known to the police and has been pointed out by the present petitioner in pursuance of his disclosure statement. It is a relevant piece of evidence. He further contended that twelve prosecution witnesses have already been examined. Only seven witnesses remains to be examined. The trial has reached at its fag end. Thus, he pleaded that in view of the serious allegations against the petitioner, he does not deserves the concession of bail.

5. The aforesaid contentions have been duly considered.

6. Admittedly, there is no direct evidence to this crime and case of the prosecution is based on the circumstantial evidence. As per the prosecution version, in pursuance of disclosure statement suffered by the petitioner, the weapon of offence has been recovered from his possession. He has also pointed out the place of occurrence. The evidentiary value thereof is to be ascertained by the learned trial Court on appreciation of the evidence. So, there are serious allegations against the petitioner for his involvement in the present case.

7. It is not disputed that twelve witnesses out of nineteen witnesses have already been examined. It shows that the trial is proceeding at reasonable pace and is likely to conclude soon.

8. Thus, in view of my aforesaid discussion, no case is made out for grant of the concession of the regular bail. Consequently, the present petition is devoid of merits and is hereby dismissed.

14.07.2015

s.khan

**(DARSHAN SINGH)
JUDGE**