

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-14057 of 2015

Santosh

..... Petitioner

versus

State of Haryana

... Respondent

Crl. Misc. No. M-15323 of 2015

Roop Chand

..... Petitioner

versus

State of Haryana

... Respondent

Date of decision : 17.07.2015

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Kulwant Singh Dhanora, Advocate (in Crl. Misc. No. M-14057 of 2015)
Mr. Dinesh Arora, Advocate (in Crl. Misc. No. M-15323 of 2015)
for the petitioner

Mr. Deepak K. Grewal, DAG Haryana

ANITA CHAUDHRY, J. (ORAL)

This order shall dispose of Crl. Misc. Nos. M-14057 and 15323 of 2015 as both the petitions have arisen out of the same FIR.

The petitioners are seeking regular bail in FIR No. 79 dated 23.05.2014 registered at Police Station Rajaund, District Kaithal under Sections 302, 201, 120-B, 34 IPC.

The facts are necessary to get an overall view of the allegations made by Shanti Devi mother of the deceased. In an

unfortunate incident the son of the petitioner was found dead by the side of the canal on 30.06.2012. Written complaint was given on 31.08.2012. No action was taken on that. Another complaint was sent in October 2012. It appears that due to a dispute regarding jurisdiction, the FIR came to be finally registered in May 2014. The police had arrested the son and wife of the deceased and one Roop Chand said to be their friend. The complainant had alleged that the deceased was objecting to the visits of Roop Chand in their house and on that account there were frequent quarrels. Dalip was murdered and his body was thrown in the canal. The complainant had alleged that his hands had been tied and mouth was found gagged.

Learned counsel for the petitioner (Roop Chand) contends that he does not belong to the family and is a friend of the son of the deceased and the witness to the last seen did not support the prosecution version and it appears that there is a property dispute between the family and he was not the beneficiary and his name has been added subsequently. He further contends that Roop Chand is suffering from Tuberculosis and documents have been placed on record.

Learned counsel representing Santosh had urged that the case is based on the circumstantial evidence and the evidence collected by the prosecution is hearsay and the FIR has been registered two years after the incident and the petitioner was in custody for more than 11 months.

Learned State counsel has opposed the application and

urged that the deceased was objecting to the visits of Roop Chand and is the main accused and on that account there were quarrels in the house and he is not the friend of the son of the deceased but had relations with the wife. It was urged that the complainant is yet to be examined. Opposing the prayer for bail on medical grounds the State counsel urged that the latest report submitted by the jail authorities clearly states that petitioner Roop Chand has completed intensive phase of his treatment and has shown marked improvement and had gained weight.

The incident had been reported to the police in August 2012 and the police had registered the FIR almost two years later. The allegations against both the petitioners are serious. The body was found by the side of the canal. The hands were found tied. The allegations against Roop Chand are that he had relations with the wife of the deceased. The deceased was objecting to the visits to his house.

So far as Roop Chand is concerned he is suffering from Tuberculosis but treatment is being given in the hospital. The latest report has been received. He has completed the comprehensive phase of treatment and has shown marked improvement and he has gained weight. It has also been reported that normal duration of treatment is 6 months. It has also been stated that the treatment was started in March 2015. Considering the allegations levelled against the petitioner, no ground for bail even on medical grounds is made out.

So far as petitioner – Santosh is concerned the matter

was investigated thoroughly, it was found that there was a property dispute. It is not the case of the family that any missing report was lodged. The trial is proceeding. The complainant has yet not been examined. She is the most crucial witness in the trial. No case for bail is made out.

Accordingly, both the petitions are dismissed.

July 17, 2015

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**(ANITA CHAUDHRY)
JUDGE**