

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

**CRM-M No.14247 of 2016 (O&M)
Date of Decision: 28.05.2016**

Manjeet

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Sanjay Vashisht, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana
for the respondent/State assisted by ASI Satbir Singh.

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner-accused Manjeet in case FIR No.0450 dated 22.08.2015, under Sections 302, 201, 34 of the Indian Penal Code, registered with Police Station Sadar Dadri, District Bhiwani.

A DDR No.16 dated 20.08.2015 (**Annexure P-1**) was registered on the written complaint of co-accused Ritu Devi that her husband-Pappu had died in their agriculture fields on the intervening night of 19-20.08.2015, possibly due to heart-attack. In the inquest proceedings under Section 175 Cr.P.C., the real elder brothers, namely, Ramphal and Ram Chander got recorded their statements of nothing abnormal being about the death of their brother-Pappu. The aforesaid brother-Ram Chander, however, subsequently, after receipt of the Post Mortem Report dated 21.08.2015 (**Annexure P-5**) somersaulted his stand and claiming himself to be the eye-witness along with his son-Sunil alleged that the elder brother Ramphal and his two sons i.e. Manjeet (petitioner) and Narender along with Ritu @ Lalita

(wife of deceased) had given beatings to his brother-Pappu and have thus caused his murder.

Upon investigation, co-accused Ramphal and Narinder were found innocent and placed in Column No.2 in the Police Report.

It is contended that the complainant-Ram Chander in his signed statement on 20.08.2015 in the inquest proceedings has not even remotely suggested that there was any abnormal activity regarding the death of his brother-Pappu. Neither his son-Sunil whispered anything about causing of murder of his uncle-Pappu. They both subsequently took a U Turn and have named the accused party so as to satisfy their grudge on account of a suit for injunction (**Annexure P-12**) decreed against them instituted by his brother/co-accused Ramphal, who is the father of the petitioner-accused.

It is submitted that the complainant-Ram Chander has cheated various people as is apparent from the decrees/judicial proceedings at **Annexures P-9 to P-15** against him, thus, showing that he is totally untrustworthy. It is next submitted that the said Ram Chander is also inimical to the petitioner-accused and his co-accused brother Narender on account of their *Bhua* (sister of complainant-Ram Chander) having relinquished her share in the ancestral property in favour of the petitioner-accused, his co-accused brother Narender and cousin Rahul son of Pappu (now deceased). In the FSL Report (**Annexure P-7**), ethyl alcohol has been detected in the viscera of the deceased-Pappu. It is thus submitted that a total false case has been planted upon the petitioner-accused by his untrustworthy uncle Ram Chander on account of inimical feelings towards the petitioner and his family members.

The petitioner is stated to be in custody since 25.08.2015 and since last five dates, the complainant and other eye-witness Sunil are avoiding appearance before the trial Court to depose.

Learned State Counsel, assisted by ASI Satbir Singh, does not dispute the custody period, the fact that complainant and other eye-witness Sunil are avoiding appearance before the trial Court to depose, as also trial is at the initial stage.

Without commenting on the merits of the case, keeping in view the above, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

May 28, 2016
Gagan

(JASWANT SINGH)
JUDGE