

CRM-M-30418 of 2016

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

Sr. No. 210

CRM No.M-30418 of 2016

Date of decision: September 27, 2016

Dharmender @ Fauji

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. D.D. Gupta, Advocate,
for the petitioner.

Ms. Harpreet Kaur, A.A.G., Haryana.

JASPAL SINGH, J. (ORAL)

By virtue of the instant petition preferred under Section 439 of the Code of Criminal Procedure, the petitioner has sought the concession of bail, pending trial, in case bearing FIR No.479, dated June 08, 2015, under Section 460 IPC, registered at Police Station Model Town, District Panipat (Haryana).

2. The contention of learned counsel for the petitioner is that petitioner has been falsely implicated in the instant case. During the course of investigation, the Investigating Agency had prepared a site plan on June 08, 2015 of the place of occurrence and had allegedly collected samples of blood, earth, plastic bag, plastic sack, electric wire on the direction of the team of the Forensic Science Laboratory. Surprisingly, the site plan has

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been shown as plot No.678-L from where the dead body of deceased Rajender Tiwari was allegedly recovered. Similarly, one of the co-accused Puran, underwent medico legal examination on June 08, 2015 by showing him to be resident of house No.678-R, Model Town, Panipat. Likewise, all other documents depict the place of occurrence at House No.678-R, Model Town, Panipat. Thus, there is material contradiction with regard to place of occurrence. Otherwise also, the case was initially registered under Section 302, 34 of IPC, but subsequently the offence was converted to under Section 460 of IPC. The recovery of wire etc. has been planted upon the petitioner. The petitioner is also suffering incarceration since the date of his arrest i.e. June 26, 2015 and the disposal of trial would certainly take sufficient long time. There is no plausible justification for his further detention.

3. On the other hand, learned State counsel has hotly resisted the petition by submitting that there are serious and grave allegations against the petitioner along with co-accused who are stated to have committed murder of Rajender Tiwari after having tied his hands and feet. Moreover, there is every possibility of absconding of the petitioner, in case he released on bail. This Court has given an anxious thought to the aforesaid submissions made by learned counsel for both the parties and have also perused the record. No doubt, the petitioner is in custody since the date of his arrest i.e. on June 26, 2015 and he is facing the trial. Undoubtedly, initially the case was registered under Section 302, 34 of IPC, but subsequently, the offence was converted to Section 460 of IPC, during the course of investigation. At this stage, nothing can be said about the false

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implication of the petitioner. Especially, in view of direct allegation against the petitioner that he along with his co-accused tied the hands and feet of the deceased Rajender Tiwari-watchman and thereafter committed his murder and stole away 15 bundles of AC Copper Wire. As per the version of the prosecution which have been recovered from the possession of the petitioner, in pursuance of disclosure statement suffered by him under Section 27 of the Act.

4. Taking into consideration the aforesaid aspects of the case but without expressing any opinion on the merits of the case, this Court does not find any merit in the instant petition.

5. Accordingly, instant petition stands dismissed.

September 27, 2016

Ankur

**(JASPAL SINGH)
JUDGE**

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No