

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

CRM M-3483 of 2016

Date of decision : 08.02.2016

Raj Bala & anr.

....Petitioners

V/s

State of Haryana

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Navkiran Singh, Advocate for the petitioners.

Mr. Sushil Gautam, DAG Haryana.

RAJAN GUPTA J.

Petitioners seek concession of regular bail in a case registered against them under sections 302/201/364/368/452/420/34/120-B IPC vide FIR No. 139 dated 11.05.2015 at police station Sadar Hansi, district Hisar.

Learned counsel for the petitioners has vehemently argued that no role of commission of murder is attributed to the petitioners. They are police officials and were on duty when crime was committed. In any case, investigation is now complete. Thus, they deserve to be enlarged on bail during the pendency of trial.

Plea has been opposed by learned State counsel. According to him, petitioners and their two brothers acted in connivance with each other to commit the murder of Santosh @ Guddi and Sandeep. No prosecution witness has been examined till now. Thus, prayer for bail is mis-conceived.

I have heard learned counsel for the parties.

It appears that murder of Santosh @ Guddi and her son Sandeep was committed on 11.05.2015. It was found that accused

had abducted Santosh @ Guddi third wife of Randhir Pehlwan and her son Sandeep. They fired upon them and forced them to sit in a car. Initially, FIR was registered under sections 452/364/368/34 IPC. Special Investigating Team was thereafter constituted. The team found empty cartridges from the spot from where abduction took place. Some blood stains were also found. Thus, offence under the Arms Act was also added. As number plate of the car was fake, offence under section 420 IPC was added. Investigating agency came to the conclusion that on 10.05.2015, deceased were taken from Chandigarh to village Ghirai from Ambala-Chandigarh road. Murder of deceased was committed there. Investigating agency also examined the mobile phones record of the accused. It was found that all the accused were in constant touch with each other at the time of commission of the crime. Motive of the crime is stated to be old enmity between accused and deceased due to dispute regarding property. Admittedly by now, no prosecution witness has been examined. In my considered view, no case for releasing the petitioners on bail is made out. As per prosecution story, it appears to be a case of premeditated murder where all accused conspired with each other. Even the vehicle used in the crime bore a fake number plate. Deceased and his son were abducted and attempt was also made to destroy the evidence.

In view of magnitude of crime, manner in which it has been committed and the punishment it would entail in case of conviction, no case for bail is made out. Petition is without any merit and is hereby dismissed.

February 08, 2016

(RAJAN GUPTA)
JUDGE

Ajay