

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Date of Decision: April 25, 2016

1. CRM M-3758 of 2016

Deepak

.....Petitioner

Vs.

State of Haryana

.....Respondent

2. CRM M-8633 of 2016

Sunil @ Anil

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr. R.S. Rai, Sr. Advocate with
Mr. Gautam Dutt, Advocate for the petitioner in
CRM M- 3758 of 2016.

Mr. J.S. Bedi, Sr. Advocate with
Ms. Diya Sodhi, Advocate for the petitioner in
CRM M-8633 of 2016.

Mr. C.S. Bakshi, Addl.A.G., Haryana.

Mr. Jitender Sharma, Advocate
for the complainant.

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M.M.S. BEDI, J.

This order will dispose of two petitions bearing CRM M-3758 and M-8633 of 2016, for grant of regular bail.

The FIR was registered on the statement of Balwant Singh. The machinery of prosecution in the present case was set into motion on July 28, 2015 when SHO, Police Station Sadar, Hissar while on patrolling duty received a message from SI Sushil Kumar through telephone intimating that proceedings under Section 174 Cr.P.C. were accomplished by him after recording DDE No. 9 dated July 28, 2015 regarding a dead body whose death was caused due to strangulation and DDR No. 20 was recorded at Police Station Sadar, Hissar on the basis of information from Police Post, Industrial Area, Hissar. The dead body was identified by uncle and brother of deceased, namely, Kuldeep Singh and Mohit. The case of the prosecution is that during the course of investigation petitioner Deepak had made a disclosure statement that deceased had illicit relations with Bhabhi of Sunil and that on account of said circumstance they had hatched a criminal conspiracy to finish Rohit. In the disclosure statement, he also revealed that murder of Rohit was committed by petitioners Sunil and Deepak alongwith Rohit @ Monu in persecution of their criminal conspiracy.

During the course of investigation, the petitioners were connected with the crime on the basis of technical investigation and on the basis of the telephone calls which indicate that the accused remained in

touch with the deceased till the last moment. On the basis of the disclosure statement of accused, Swift car alongwith mobile were recovered.

Learned senior counsel for petitioner Deepak, Mr. R.S. Rai and learned senior counsel for petitioner Sunil Mr. J.S. Bedi have vehemently urged that the petitioners have been involved in the case on the basis of misguided suspicion and that there is no direct evidence available on the record to indict the petitioners as accused in the present case.

With the assistance of counsel for both the petitioners, I have gone through the statements of PW 3 Kuldeep and PW Mohit son of Raj Kumar. It has been urged that the star witnesses of the prosecution have not stated in their statements that the petitioners were last seen in the company of the deceased or had carried the deceased with them. Both the witnesses do not connect the petitioners with the offence in any manner. It has been urged that merely on the basis of weak motive alleged and absence of any evidence regarding last seen and alleged extra-judicial confession, the petitioners cannot be punished for offence under Section 302 IPC. The car which is alleged to have been recovered from Deepak was allegedly in the name of Sandeep, who is neither an accused nor a witness to the occurrence as such recovery of car is meaningless. The mobile charging wire which is allegedly shown to have been recovered from co-accused Rohit, cannot be used to strangle the deceased. A reference was made to medical evidence in support of the contention that two Doctors examined have opined that the wire of mobile charger cannot be used for strangulation.

I have considered the contentions of learned counsel for the petitioners. No doubt, it is a case of circumstantial evidence which is generally considered to be a weak evidence but it will not be appropriate for this Court to express any opinion on appreciation of evidence. Any expression of opinion regarding the strength of the evidence is likely to prejudice the case of the petitioner or the prosecution. Avoiding any comments on merits of the case, I deem it appropriate to issue a direction to the trial Court to dispose of the case within a period of three months after the next date of hearing by giving short dates of hearing.

The petitions are dismissed at this stage with above said direction. It will be open to the petitioners to approach this Court again in case the trial is not concluded within a period of three months.

April 25, 2016
sanjay

(M.M.S.BEDI)
JUDGE