

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

CRM No. M-13107 of 2017 (O&M)

Date of Decision: 26.09.2017.

Ashutosh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Parveen Kaushik, Advocate,
for the petitioner.

Ms. Mahima Yashpal, AAG Haryana.

JITENDRA CHAUHAN.J.(ORAL)

This is second bail application filed under Section 439 of the Code of Criminal Procedure, in case FIR No. 67 dated 06.02.2016 registered under Sections 201, 302 and 376 IPC and Sections 3(1) (2) (V), 3(I), (XII) of the Scheduled Castes and the Scheduled Tribe (Prevention of Atrocities) Act, 1989, at Police Station Sadar Rohtak, District Rohtak.

It is contended that the petitioner has been falsely implicated in the present case. There is no eye-witness of the occurrence. The independent witnesses have turned hostile. It is further contended that the petitioner is in custody since 13.02.2016.

On the other hand, the learned State Counsel opposes the bail application and submits that the report of FSL regarding CCTV footage of toll plaza has been received. The CCTV footage shows the presence of the petitioner on the scene of occurrence.

Heard.

As per the case of prosecution on 06.02.2016, the complainant along with Mandeep was on his way to his village Sangi from Rohtak in his car. On the way, about half an hour kilometre towards village Jassia by-pass at 8.30 pm, he noticed a dead body which had been set ablaze, he stopped the vehicle and brought some persons from the nearby locality. However, all these persons went away after witnessing the scene. It was a dead body of a young women which had been set ablaze after putting the same in a gunny bag with an intention to destroy the proof. From the scene, passbook issued by the State Bank of India and two photographs of the deceased, two cards bearing name of the deceased and saving slip of Post Office were recovered from the spot which had mobile No. 94677-85053 and 94163-39689 on it. Further the CCTV footage of toll plaza and Vibhuti Petrol Station reflected the presence of the petitioner on the place of occurrence. The call details also indicate the presence of the petitioner on the area in question.

In view of the above, considering the nature of accusation, no case for grant of concession of bail is made out at this stage.

Consequently the petition is dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

26.09.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No