

house in his car for his office at Sector 3, Panchkula. Mukul Bhardwaj did not come at night. In the morning, the complainant received a telephonic call from friend of Mukul Bhardwaj that mishappening has happened with Mukul Bhardwaj and complainant was asked to come soon. Complainant told to his sister in respect of happening happened with Mukul Bhardwaj. The complainant left the sister at home and went to hospital in Sector 6, Panchkula and identified the dead body of his nephew Mukul Bhardwaj, who was murdered and his dead body was thrown in the river at village Taber Dangri and the car of the deceased was standing in Sector 3 Panchkula. FIR was registered against the unknown persons, who had committed the murder of nephew of the complainant and with the intention to hide the evidence, the dead body of the Mukul Bhardwaj was thrown in the bushes near the river.

[3]. Police did the investigation and completed the inquest proceedings under Section 174 Cr.P.C. The car of the deceased was taken into possession from Sector 3, Panchkula. The cause of death of Mukul Bhardwaj was found to be asphyxia due to strangulation. Viscera was sent to chemical analysis which was found to be ante mortem in nature. Co-accused Gurcharan @ Mintu was arrested on 14.08.2015 and on his interrogation, he made a disclosure statement to the effect that he along with the

deceased were involved in *satta* (gambling) in a hotel with regard to cricket matches. In the process of *satta* Gurcharan @ Mintu lost an amount of Rs.5 lacs in favour of Mukul Bhardwaj. When Mukul Bhardwaj raised a demand of Rs.5 lacs from Gurcharan @ Mintu, then Gurcharan @ Mintu got frustrated and in connivance with his cousin i.e. Devinder Pal @ Rinku (petitioner) hatched a conspiracy to murder Mukul Bhardwaj. As per planning they made Mukul Bhardwaj to sit in the car and while mixing some poisonous substance in his cold drink, they made him to drink and proceeded to roam towards Barwala, Ramgarh, Ambala. While returning from Ambala, they put a piece of cloth i.e. *angochha* around the neck of Mukul Bhardwaj and murdered him and thrown his dead body on unmettled portion of the road near Tangri river.

[4]. Learned counsel for the petitioner submitted that as per disclosure statement of accused Gurcharan @ Mintu one *angochha* and one bag containing laptop were recovered. Gurcharan @ Mintu made the petitioner to go to Delhi. The case is based on number of disclosure statements made by Gurcharan @ Mintu, Vikram Sharma and two disclosure statements suffered by the petitioner on 01.10.2015 and 02.10.2015.

[5]. Learned counsel further submitted that the petitioner

was arrested on 30.09.2015 from Delhi. During course of interrogation on 01.10.2015, petitioner made a disclosure statement, reiterating version of co-accused Gurcharan @ Mintu made by him in his disclosure statement dated 15.08.2015 in respect of handing over of Rs.12,500/- and one laptop, one mobile belonging to the deceased by the accused Gurcharan @ Mintu to him. On 02.10.2015, the petitioner made divergence from the earlier statement and submitted that he sold the mobile and one laptop for a sum of Rs.60,000/- to one Vikram Sharma in Delhi instead of Mumbai as disclosed by him in his previous disclosure statement dated 01.10.2015.

[6]. Learned counsel by referring to the custody period of 1 year 4 months of the petitioner, submitted that the case is based on circumstantial evidence and on the last seen theory. The complicity of the petitioner would remain debatable in view of contradictory disclosure statements on record.

[7]. Learned State counsel duly assisted by learned counsel for the complainant while relying upon order dated 11.02.2016 passed in **CRM-M No.41691 of 2015** filed by Gurcharan Singh @ Mintu under Section 167(2) Cr.P.C. submitted that the prayer for grant of bail to Gurcharan Singh @ Mintu had already been declined by this Court. The alleged variation in the disclosure statements would not in any case

hamper the prospects of conviction of the petitioner inasmuch as that the alleged disclosure statements and recoveries/disposal of articles took place only after commission of the offence and the culpability of the petitioner cannot be diluted on the basis of minor discrepancies as pointed out by learned counsel for the petitioner.

[8]. I have heard learned counsel for the parties.

[9]. At this juncture, I am of the view that the petitioner is an accused of serious offence. The recoveries effected pursuant to the disclosure statements made by the co-accused Gurcharan @ Mintu as well as the petitioner would *prima facie* connect the petitioner to the offence of murder.

[10]. Consequently, I do not think that any indulgence can be granted to the petitioner for releasing him on bail. The present petition is accordingly dismissed.

[11]. Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

May 24, 2017

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No