

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-26804 of 2016 (O&M)

Date of Decision: 28.07.2017

Rajpal

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Pawan Singh, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.59 dated 22.01.2015 registered for offences punishable under Sections 302, 201, 328, 404, 364-A read with Sections 120-B and 34 of Indian Penal Code (for short, "IPC") at Police Station City Sonapat, District Sonapat.

Heard.

Case of prosecution, in brief, is that Pawan Kumar husband of complainant-Promila, who was doing tailoring job at his home, had gone to Great Tailor in Cloth Market, Sonapat to deliver pant and shirt. At about 12.00 noon, she received his call that he will return at 02.00 p.m. and she should keep meals ready for him. Complainant called her husband at 02.00 p.m. but his mobile phone was switched off. At about 07.37 p.m., she received a phone call from mobile phone of her husband bearing no. 9991380079 at her residential number. Some unknown person was on the phone and he asked her to call father of Pawan Kumar. When complainant

enquired about the matter, said unknown person told her to arrange ₹30 lacs by tomorrow evening and apprised her that Pawan Kumar was in their custody. She reported the matter to police. The dead body of Pawan Kumar was found from a field on identification of co-accused-Pardeep. The petitioner also identified the place where Pawan Kumar was murdered and his dead body was put in a bag. He also got recovered ₹75/- which deceased-Pawan Kumar was having at the time of his death alongwith a rope with which the deceased was strangled.

Learned counsel for the petitioner has argued that rope used in the crime was recovered from the spot and dead body was recovered on disclosure statement of co-accused and not of the petitioner. The police has no eye-witness to link the petitioner with the crime. The petitioner is in custody for the last more than two years and trial has not concluded, as such, he may be extended the benefit of bail.

Learned State counsel has argued that as per police investigation, deceased-Pawan Kumar was detained in the house of petitioner. He was killed there and then his dead body was put in a bag and thrown in a field. The rope, which was used for strangulating deceased-Pawan Kumar, was also recovered from almirah of petitioner. The prosecution has examined 28 out of 34 witnesses. Only six witness remain to be examined and the prosecution will conclude its evidence within short time. Moreover, delay in trial is not solely due to non-production of prosecution witnesses, but on account of adjournments taken by defence counsel to cross-examine them.

On giving a careful thought to submissions of learned counsel for the petitioner and learned State counsel and on perusal of police file, I

find that allegations against the petitioner are quite serious and grave. A person was kidnapped and then brutally murdered. As per prosecution case, the deceased was kept in the house of petitioner before his death. The rope used in committing the crime was also recovered from the petitioner.

Learned counsel for the petitioner has tried to make out that the rope was recovered from the spot where dead body of deceased-Pawan Kumar was found. But this contention of learned counsel for the petitioner has no merit as the rope recovered from the spot was not around the neck of deceased. At this stage, when the prosecution has almost concluded its evidence, I find no reason to extend the benefit of bail to petitioner.

Dismissed.

However, trial Court is directed to expedite trial of the case and try to dispose of the same at the earliest, preferably within a period of four months on receipt of copy of this order.

July 28, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No