

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

CRM-M-30477 of 2016

Date of Decision: May 23, 2017

Manish

...Petitioner

Versus

State of Haryana

..Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Saravjit Singh Khurana, Advocate
for the petitioner.

Munish Sharma, AAG,, Haryana.

FATEH DEEP SINGH, J.

The allegations against the petitioner in this regular bail application under Section 439 Cr.P.C are that the present case was got registered by Rambir Singh, father of the deceased Om Parkash @ Sonu whose dead body was found on 13.01.2016 on Garhi Bolni road, District Rewari. It subsequently transpired that on previous date i.e. 12.01.2016 principal accused Sumit/non-applicant had made a telephonic call to the deceased asking him to come and collect Rs.28 lacs on the basis of which deceased had left his house and, thereafter, never returned and his motorcycle was recovered from the shop of Sumit and his mobile phone was found in the area of village Naya Gaon.

During the course of investigations, it transpired that the deceased was got murdered by accused Sumit/non-applicant after hatching a conspiracy with his co-accused/non-applicant by strangulating the deceased by means of piece of cloth (Parna) while going in a I-10 car.

The contentions of the learned counsel for the petitioner that the petitioner was neither named in the FIR nor any evidence has come against him in the commission of crime and he is in custody since long period of time and that trial is not likely to be concluded in near future are sought to be opposed by the learned State counsel on the grounds that the trial is underway and there is circumstantial evidence which strongly bears out the role of the petitioner in commission of crime and that if allowed bail, the petitioner would certainly influence the witnesses.

Going through the submissions, it is not by any means put to question that the deceased has died an unnatural death and as per the medical evidence ligature marks have been found around the neck area. Principal accused borrowed Rs.28 lacs from the deceased on which pretext he was called and subsequently his dead body was got recovered and irrefutably the death is due to mechanical asphyxia and that the trial is underway and there are clear cut allegations against the petitioner and there is case of accused having suffered extra-judicial confession. Thus, in view of the allegations against the petitioner and his co-accused and the apprehension of the State that if allowed bail, the petitioner would certainly influence the witnesses is not unfounded. Thus, finding no merit in the present petition the same stands dismissed.

(FATEH DEEP SINGH)
JUDGE

May 23, 2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No