

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

**CRM No.M-3987 of 2017
Decided on: 16.03.2017**

Manohar Yadav @ Goldi

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

REKHA MITTAL, J.

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.30 dated 26.01.2016, for offence punishable under Sections 302, 376-D, 460 of the Indian Penal Code (in short 'IPC') and 25 of the Arms Act registered in Police Station K.U.K., District Kurukshetra.

Counsel for the petitioner has submitted that the present FIR was lodged at the instance of Ashok Kumar son of Satpal who was the only person stated to be available in the Ashram on the intervening night of 25/26.01.2016 besides Baba Ji and Rajender Kaur @ Soni (since deceased). It is further submitted that the manner in which the complainant has tried to narrate the occurrence gives an impression that he is an eye-witness to the occurrence and further creates suspicion that he himself may be the author of crime.

With regard to culpability of the petitioner, it is argued that the present is a case of circumstantial evidence as there is no eye-

witness account. The petitioner has been sought to be indicted in the crime on the basis of alleged disclosure statement made in police custody leading to recovery of nose ring (*Nathali*) of deceased – Rajender Kaur @ Soni. It is further submitted that evidence of call details sought to be relied upon by the prosecution is not sufficient to connect the petitioner with the crime. The last submission made by counsel is that as conclusion of trial is likely to take its own time, petitioner may be released on bail.

Affidavit of Raj Singh, Deputy Superintendent of Police, Kurukshetra filed in the Court is taken on record.

Counsel representing State of Haryana has submitted that as per the information received in regard to mobile phone No.8562953260 of the petitioner, No.9795871854 of co-accused Bhupain and No.8054313263 of co-accused Inderjeet @ Bablu, all the three accused were found to be located in the area of Jyotisar, Kurukshetra in the evening of 25.01.2016 and after committing crime in the night, the petitioner went back to Uttar Pradesh via Delhi and thereafter to Madhya Pradesh. It is further submitted that as the petitioner belongs to State of Madhya Pradesh, there is every likelihood of his absconding in case released on bail.

I have heard counsel for the parties, perused the paperbook and the police records.

The custodial interrogation of the petitioner led to recovery of one of the jewellery articles of deceased – Rajender Kaur @ Soni. The call records proved location of the petitioner and his two associates (co-accused) in the area of Jyotisar, Kurukshetra in the evening of

25.01.2016. Taking into consideration gravity of charge against the petitioner, I do not think it to be a fit case wherein the petitioner deserves to be enlarged on bail.

Accordingly, the application is dismissed. However, nothing stated in this order shall be construed as an expression of opinion on merits of the case.

16.03.2017
yakub

(REKHA MITTAL)
JUDGE

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