

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

**Crl. Misc. No.M-41757 of 2017 (O&M)
Date of Decision: November 15, 2017.**

Raj Kumar

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Neeraj Sinhmar, Advocate
for the petitioner (s).

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. 60 dated 03.04.2016 registered for the offences punishable under Sections 148, 302 read with Section 149 of Indian Penal Code at Police Station Narwana, District Jind.

Heard.

Notice of motion.

On asking of the court, Mr. Amrik Narwal, DAG, Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

FIR in this case was registered on the statement of Sanjeev

Khatal. As per allegations in the FIR, his brother, namely, Ramesh was

having affair with Poonam daughter of Tara Chand. On the day of occurrence, Ramesh had gone to meet Poonam at her house. On receiving information, the complainant along with his mother reached the house of Tara Chand and found dead body of Ramesh and Poonam lying there. They brought dead body of Ramesh to their house and reported the matter to Police. In the FIR, they named Tara Chand, his brother Ram Niwas, Raj Kumar, Surinder and Shashi as the persons, who have killed both Ramesh and Poonam.

Learned counsel for the petitioner submits that it is a case bereft of any direct evidence against the present petitioner. As per statement of PW1 Sanjeev Khatal and PW2 Krishna, petitioner has come to their house and informed them about murder of Ramesh. They had made improvements on their statements recorded under Section 161 Cr.P.C., wherein they have nowhere stated that the petitioner came to their house and told them to bring the dead body of Ramesh from the house of Tara Chand. The petitioner is the brother of Tara Chand and has been falsely implicated in this case.

It is a case where deceased Ramesh was having affair with Poonam daughter of Tara Chand. In the intervening night of 02.04.2016 and 03.04.2016, Ramesh had gone to the house of Poonam. It was revealed during investigation that both were found in nude condition by Sonu and this frustrated him and other members of the family, who caused beatings to deceased Ramesh, resulting in his death and Poonam was also strangulated and was killed. Petitioner has been named by Sanjeev Khatal as well as Krishna while appearing as PW1 and PW2. Both the witnesses have stated that petitioner came to their house at about 01.15 a.m. and apprised them

that Ramesh had been killed by them and his dead body was lying in their house. Though there is no direct evidence but the case is based on circumstantial evidence. Death had taken place in the house of brother of petitioner.

Keeping in view the gravity of the offence, I find no reason to extend the benefit of regular bail to the petitioner at this stage.

Dismissed.

November 15, 2017

Sachin M.

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No