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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 16.03.2017

1. CRM-M No.4556 of 2017

Rahul

.....Petitioner

Vs

State of Haryana

.....Respondent

2. CRM-M No.5918 of 2017(O&M)

Vinod Kumar

.....Petitioner

Vs

State of Haryana

.....Respondent

3. CRM-M No.6426 of 2017

Sanjay Raheja

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Robin Singh Hooda, Advocate,
Mr. Ashit Malik, Advocate and
Mr. R.S. Malik, Advocate
for the petitioner(s).

Mr. P.P. Chahar, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

Vide this common order, CRM-M No.4556 of 2017, CRM-M No.5918 of 2017 and CRM-M No.6426 of 2017 are being disposed of.

Petitioners seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.322 dated 24.09.2015, registered under Sections 302, 450, 120-B IPC at Police Station Civil Lines, Sonapat.

The FIR was registered at the instance of Dev Raj who alleged that his sister Veena @ Baby was married to Jogender who had died 20 years ago. Thereafter, Veena had started living near the house of the complainant in a separate house. Veena had two children. Elder is daughter who is married and younger is a son aged 24 years. On 23.09.2015 at about 10.15 PM, Manish son of Veena came to the complainant and informed that his mother has been murdered by someone by tying her hands and feet. Complainant went to the house of his sister and found that his sister was lying on the floor and many persons had gathered there. He took her sister to the hospital, where she was declared to be brought dead.

Co-accused Baljeet @ Nanha was arrested on

16.12.2015 and on the basis of his disclosure statement, petitioner along with co-accused were named in the case.

As per allegations, Rahul, Ajay and Sumer went inside the house whereas Baljeet @ Nanha, Sanjay Raheja and Vinod Kumar remained outside the house. Police has also recorded disclosure statement of Rahul-petitioner who has stated that he caught hold the hands of deceased Veena, whereas Sumer caught hold the legs and Ajay pressed the neck, when the deceased did not disclose whereabouts of the cash. Blood started oozing out from her mouth and the same was cleaned with the help of T-shirt and Handkerchief. T-shirt and Handkerchief were recovered by the Forensic Team on 24.09.2015 at about 8.30 AM, whereas the FIR came to be registered on 24.09.2015 at 1.30 AM. The cause of death is found to be asphyxia due to throttling. Prima facie, there is no allegation of enmity between the accused and the deceased. No recovery has been effected from the petitioners. Even there is no allegation of any robbery in the house. The disclosure statement of petitioner-Rahul was recorded on 17.12.2015 and it would be a debatable issue whether the disclosure of petitioner-Rahul which was followed by recovery of T-shirt and Handkerchief on 24.09.2015, would provide an incriminating fact against the petitioners at the trial.

Petitioner-Rahul is in custody since 16.12.2015 and
Petitioners i.e. Sanjay Raheja and Vinod Kumar are in custody
since 17.12.2015. Challan has already been presented and
material witnesses have already been examined by the trial
Court.

In view of aforesaid, without meaning anything on the
merits of the case, at this stage, it will be just and expedient to
grant benefit of regular bail to the petitioners.

Let the petitioners be enlarged on regular bail, subject
to their furnishing heavy bail bonds/surety bonds to the
satisfaction of the trial Court.

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

March 16, 2017.

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No