

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-14742 of 2018

Date of Decision: 10.12.2018

Raju Rajan @ Raju

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Bijender Dhankhar, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

Mr. Sanjiv Kumar Aggarwal, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

This is fourth petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.202 dated 30.03.2015 under Sections 302, 346, 201, 216, 404, 411/34 IPC registered at Police Station City Sirsa, District Sirsa. The earlier petition was dismissed by this Court vide order dated January 11, 2018.

Briefly stated, the FIR in question was registered at the behest of Manish Kumar whose brother Rajnish Kumar was murdered. As per the FIR, on 27.03.2015, Rajnish Kumar @ Sonu Kumar had gone out of his house in his blue colour Swift car No.HR-24T-2769. Since his whereabouts

were not known to anybody, efforts were made to search him at his relatives and other friends, however, he could not be traced out. Thereafter, during investigation, the deadbody of Rajnish Kumar @ Sonu Kumar was detected in the fields situated in Village Modiakhera. Accordingly, proceedings under Section 174 CrPC were carried out and post-mortem examination was also conducted, wherein the doctor has opined that cause of death of Rajnish Kumar was haemorrhage and shock, as a result of injuries as described, especially injury to head, which was ante-mortem in nature. The car was recovered from Sahiban, Rajasthan. In his supplementary statement, the complainant Manish Kumar has submitted that the murder of Rajnish Kumar @ Sonu Kumar was committed by Raju son of Ram Suresh and Kaalu, Johnny and Kuldeep with sharp weapons. Accordingly, on the basis of complaint made by Manish Kumar to the police, the case has been registered.

Learned counsel for the petitioner has argued that a highly improbable story has been projected against the petitioner. There is no substance in the allegations levelled against the petitioner. The petitioner is nowhere involved in the alleged incident. Initially, the FIR was registered on the basis of missing report of Rajnish Kumar, but on the same day, after his deadbody was recovered, the complainant immediately changed his version and involved the petitioner and other co-accused in the present case. The supplementary version is motivated in order to falsely implicate the petitioner and other co-accused. It is on the basis of so-called disclosure statement of the petitioner and co-accused, the investigating agency has planted some recoveries, so as to implicate the petitioner. The case of the

prosecution is based on circumstantial evidence and chain of events in the entire case is totally incomplete. The petitioner is in custody since 04.04.2015 and trial in the case will take long time.

I have heard learned counsel for the parties.

This Court finds that the complainant has specifically named the petitioner in his supplementary statement. There are blows of knife on the person of deceased Rajnish Kumar. Even the blade remained inside the body. In case the petitioner is admitted on bail, there is every possibility that he may impress upon the witnesses, which shall affect conclusion of a fair trial. Even otherwise, this is fourth petition by the petitioner for grant of bail and the earlier petitions have already been dismissed.

Therefore, no ground for grant of regular bail is made out.

The petition is dismissed.

However, it is made clear that the observations made hereinabove shall be confined to the present petition only and the same shall not be construed as any expression on the merits of the case.

December 10, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No