

CRM-M-18545-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-18545-2017

DATE OF DECISION: FEBRUARY 5, 2018

BALJEET

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU.

PRESENT: MR. B.S. RANA, SR. ADVOCATE
WITH MR. MANDEEP MALIK, ADVOCATE
FOR THE PETITIONER.

MR. R.K. DOON, AAG, HARYANA.

MAHABIR SINGH SINDHU, J.

Petitioner Baljeet has filed the present petition for grant of regular bail in case FIR No.143 dated 24.11.2016 under Sections 302, 201 and 120-B IPC and Section 25, 54, 59 of Arms Act, Police Station Siwan, District Kaithal.

It is contended by learned senior counsel for the petitioner that a blind murder has been committed in the present case and the FIR was registered against some unknown persons. The car in which the charred body of the deceased was found does not belong to the petitioner. It was further argued that the identity of the deceased has still not been retrieved by the police and in order to give a hasty burial to the case, the police is groping in dark and made petitioner an accused by alleging that the deceased was the worker of the petitioner.

Learned State counsel on the other hand vehemently opposed

the prayer of the petitioner and submitted that there is sufficient material against the petitioner. Learned State counsel has further argued that the crime has been committed in a very gruesome way and the release of petitioner on regular bail will affect the investigation.

Heard learned senior counsel for the petitioner and learned State counsel and perused the case file as well.

On the last date of hearing it was stated by learned State counsel on instructions from ASI Hawa Singh that statement of Sanjeev was recorded during the investigation to the effect that although the car was purchased by him from petitioner Baljeet and the possession had remained with Baljeet. But, as a matter of fact, learned State counsel has failed to point out any material on record for the reasons best known to the prosecution.

Vide order dated 25.8.2017, original record of the trial Court was ordered to be summoned. A perusal of the case file shows that brother of the deceased, namely, Balkar made a statement during investigation that it was the petitioner who came in his Camry car and in his presence he picked up the deceased from his home stating that some assignment has to be done and after that the deceased never came back home. Jai Singh, Numberdar also stated to the effect that the petitioner made an extra judicial confession before him to the effect that out of lust to become rich in no time, he committed the offence by killing his own worker, i.e. deceased Sandeep @ Middi firstly by shooting him to death with a fire arm and thereafter set ablaze his body alongwith the car in order to conceal his identity and

projecting himself to have died in order to claim the insurance policies taken in his own name worth crores of rupees. A perusal of the report filed under Section 173 Cr.P.C. reveals that the petitioner got insured himself with policies worth crores very recently just prior to the occurrence.

Though, it would be a matter of trial to prove the guilt of the petitioner, but *prima facie*, this Court is of the opinion that the offence has been committed in a very tactful manner, leaving the prosecution on its toes. Therefore, considering the gravity of offence committed, the smartness with which the whole occurrence has been given effect to and the fact that the deceased was last seen in the company of the petitioner, this Court finds no ground to grant regular bail to the petitioner as there is every likelihood that the petitioner may go to any extent in order to give a twist to case of the prosecution.

Therefore, the petition is dismissed.

It is made clear that the above observations may not be construed as an expression of opinion on the merits of the case.

February 5, 2018
Gulati

(MAHABIR SINGH SINDHU)
JUDGE

Whether Reportable : Yes

Whether Speaking/Reasoned : Yes