

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

CRM-M-4599-2018

Date of decision: May 11, 2018

Manish

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. J.S. Bedi, Senior Advocate with
Mr. Sunil Sihag, Advocate
for the petitioner.

Mr. Raj Kumar Makkad, DAG, Haryana.

Mr. Jai Singh, Advocate
for the complainant.

RAJ SHEKHAR ATTRI, J.

Petitioner is seeking regular bail in case FIR No.24 dated 26.01.2017, registered under Sections 302/34, 120-B, 201 of the Indian Penal Code (for short 'IPC' only) at Police Station Bawal, District Rewari. This case is based upon circumstantial evidence. The prosecution story revolves upon three persons namely, Partap Singh, Smt. Manisha wife of Sanju @ Sanjay and present petitioner Manish.

Deceased Sanju @ Sanjay was married with Smt. Manisha. It is a prosecution case that she has extra marital affair with Pawan Kumar for the last more than one year. Both of them were treating the deceased as hindrance. Therefore, said Pawan Kumar accompanied by present petitioner Manish had taken the deceased towards the railway line. Firstly, deceased was administered with sedative/intoxicated drug. Then, he was taken on the railway track thinking that he is not in his

senses and both of them wanted to kill him by putting him on the railway track. But on hearing the noise of coming train, Sanju @ Sanjay in order to rescued himself and started running on the road then he was chased by Pawan Kumar in his car who hit the deceased with the car. When the deceased fell down, the car was driven over him and when he found dead then both Pawan Kumar and Manish put the dead body in the dicky of the car and then the dead body was concealed in the mustered crop in the nearby field. The mobile phone of the deceased was broken and thrown somewhere. Later on, the car used in the crime was washed. When dead body was recovered by brother of the deceased namely Partap Singh, accused Pawan Kumar advised Partap Singh to lodge the FIR showing the death in an accident so that the family of the deceased may get Rs.10.00 to Rs.15.00 lacs as compensation. Therefore, FIR was lodged on his advice alleging that it was a case of accident. But later on it was revealed that deceased has been murdered therefore supplementary statement of Partap Singh was recorded and FIR was registered accordingly.

Learned counsel for the petitioner has strenuously contended that co-accused Smt. Manisha have been granted bail, therefore, the petitioner is also entitled to bail on the basis of parity. But learned State counsel has submitted that role attributed to Smt. Manisha is quite distinguishable from that of the petitioner.

This court has considered the rival submissions and gone through the record.

In this case, the trial is in progress and till date 10 witnesses have been recorded and trial is near completion.

During investigation, the call details have been recovered which has yet to be proved. Apart from it, both Pawan Kumar and present petitioner Manish suffered disclosure statements. Recovery of some of the incriminating article have been effected in pursuance thereof.

Without expressing any opinion upon the merits of the case, lest it may prejudice the case of either of the parties, this court is of the considered opinion that the role attributed to co-accused Smt. Manisha is quite distinguishable, therefore, petitioner is not entitled to concession of regular bail on the basis of parity.

Dismissed.

(RAJ SHEKHAR ATTRI)
JUDGE

May 11, 2018
m. sharma

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