

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No. 5276 of 2019

ORDER :

1. The petitioner, who is accused No.1, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.37 of 2019 of Shabad Police Station, registered for the offences punishable under Sections 302, 201, 120-B, 109 and 212 read with 34 IPC.

2. The allegation against the petitioner is that when the deceased questioned the petitioner with regard to the properties, the petitioner/ accused No.1 intended to do away with his life and hatched a plan with other accused and directed them to kill him; and in pursuance of such criminal conspiracy the other accused killed the deceased, buried the dead body in the farm house of the petitioner herein as per his directions.

3. Heard learned counsel for the petitioner and the learned Additional Public Prosecutor.

4. It has been submitted on behalf of the petitioner that basing on the confession made by accused No.3, the petitioner was arrayed as an accused No.1. It is stated that during the course of interrogation only accused No.3 is alleged to have confessed that he committed the murder of Ram Mohan as he hatched a criminal conspiracy with the present petitioner/ accused No.1 and others and buried the dead body in the farm house of the present petitioner. It is further submitted that the petitioner is innocent; he has not committed any offence as alleged by the prosecution; there is no strong motive for the petitioner to kill his own brother-in-law; there are no disputes regarding any landed property and they are no way concerned with the petitioner. The petitioner is an agriculturist by profession, he is law

abiding citizen and do not have any criminal antecedents. The petitioner is ready to abide by the conditions, if any, imposed. The petitioner undertakes that he shall not hamper with the investigating authority nor threaten or influence the witnesses in any manner and he shall co-operate with the investigating agency.

5. A perusal of the material on record would show that the petitioner has involved in more than ten crimes and he is having past history of criminal record. Apart from that the dead body of the deceased, who is none other than the brother-in-law of the petitioner, was found in the farm house of the petitioner. Looking into the nature of allegations leveled against the petitioner and gravity of the offence, I am not inclined to release the petitioner on anticipatory bail.

6. Accordingly, the Criminal Petition is dismissed.

JUSTICE G. SRI DEVI

09.09.2019
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