

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

**CRM-M No.18032 of 2018
Decided on: 12.07.2019**

Rahul Sharma

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. R.K. Poswal, Advocate for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Dr. Surya Parkash, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.754 dated 17.08.2017, for offence punishable under Sections 302, 201, 34 of the Indian Penal Code (in short 'IPC') and 25/54/59 of the Arms Act, 1959 registered at Police Station Saran, District Faridabad.

Counsel for the petitioner has submitted that as per the allegations in the FIR, which was got registered by the complainant – Himanshu Khanna, his father Raj Kumar was plying a Taxi. On 16.08.2017, he had gone out for his business and thereafter, his mother received a call that the dead body of his father Raj Kumar was found in vehicle bearing registration No.HR38-W-8697 with injuries on his stomach and chest. On the next date, the police recorded the supplementary statement of the mother of the complainant i.e. wife of the deceased Raj Kumar, who has specifically named the petitioner.

Counsel for the petitioner has argued that the petitioner is in custody for the last 01 year and 10 months and out of 20 prosecution witnesses, only 07 PWs have been examined so far and it will take long time in conclusion of the trial.

Counsel for the petitioner has further submitted that, in fact in the FIR, no specific motive was attributed against the petitioner, however, it has come in the supplementary statement of mother of the complainant that the petitioner along with Rohit Sharma has committed the murder of her husband. It is also submitted that one of the co-accused namely Mayank Bhatia, who was declared as a juvenile, faced the trial before the Juvenile Justice Board, stands acquitted by the Juvenile Justice Board vide judgment dated 20.03.2019. A copy of the judgment dated 20.03.2019 passed by the Juvenil Justice Board, Faridabad is taken on record as 'Mark B'.

A perusal of the judgment show that Mayank Bhatia, was acquitted by observing that the prosecution has failed to connect the juvenile with the alleged offence and it was also observed that he was not one of the perpetrator of the alleged offence.

In reply, counsel for the State assisted with counsel for the complainant, has referred to the statement of Swarna Khanna, wife of the deceased, who has specifically named the petitioner. It is further submitted that the prosecution witnesses including the complainant PW2 – Himanshu Khanna have duly supported the prosecution version. It is also submitted that even in the disclosure statement of the petitioner, he has admitted that he has committed the offence on account of the fact that Raj Kumar was having illicit relation with

mother of the petitioner. The disclosure statement was followed by recovery of 03 mobile phones of the deceased, 01 pen drive, HDFC and SBI Card of the deceased and one motorcycle.

Counsel for the State has referred to the opinion of the Forensic Science Laboratory regarding the hairs found in the pant worn by the petitioner, which were tallied with the hair of the deceased and as per the report, they matched. Counsel for the State has, thus, submitted that there is sufficient evidence against the petitioner to connect him with the crime and the petitioner being the prime accused, there is a possibility of tampering with the evidence of the prosecution.

Without commenting anything on merits of the case, considering the fact that the prosecution witnesses including the complainant PW2 – Himanshu Khanna have duly supported the prosecution version; the petitioner is the prime accused and the gravity of offence and the allegations against the petitioner specifically in view of the fact that recovery of 03 mobile phones of the deceased, 01 pen drive, HDFC and SBI Card of the deceased, one motorcycle and clothes stained with the blood, which the petitioner was wearing at the time of the occurrence, was effected and in pursuance to the disclosure statement of the petitioner as well as the report of the FSL, I do not find any merit in the present petition.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

12.07.2019
yakub

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