

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

CRM M-57290 of 2018

Date of Decision: March 05, 2019

Kailash

.....Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. P.R. Yadav, Advocate
for the petitioner.

Mr. Baljinder Virk, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off the second regular bail application under Section 439 Cr.P.C. moved in FIR No.280 dated 25.07.2017 under Sections 302/201/376 IPC (Section 376 IPC was added later on) registered at Police Station Rajendra Park Gurugram, District Gurugram. The earlier bail application was dismissed by this Court vide order dated 26.09.2018.

The facts of the case are that the present case was registered on the statement of Neeta mother of deceased unmarried girl

aged 18/19 years alleging that on 18.07.2017 while her daughter had gone out but did not return and on 21.07.2017 her acquaintances had identified her dead body. The death appeared to have occurred due to drowning in a canal. It was discovered that the dead body bore marks of injuries on the neck and the abdomen and, thus, a suspicion arose that some one murdered the deceased leading to the registration of the present case and arrest of the accused.

Shri P.R.Yadav, learned counsel for the petitioner contends that there is no semblance of evidence against the petitioner and it is a belated afterthought allegation that has cropped up involving him in the crime and that the investigation and trial are not to be concluded in near future.

On behalf of the State, Mr. Baljinder Virk, DAG, Haryana assisted by ASI Dinesh, Police Station Rajendra Park Gurugram, District Gurugram have opposed the grant of bail on the grounds that one of the witnesses, namely, Suresh Kumar has identified the deceased going on motorcycle of the accused/petitioner which is prior to this occurrence and, thus, in view of the element of the 'last seen' and the fact that the dead body wore marks of injury disentitles the petitioner to any bail and as if allowed bail the petitioner may influence the witness at the trial.

Heard.

The first similar bail of the petitioner was declined by this

Court on 26.09.2018. Counsel for the petitioner could not convince this Court how a fresh ground has arisen different from the previous orders necessitating allowing of the present bail petition.

In view of the evidence claimed by the State that there is a disclosure statement of the accused coupled with the theory of 'last seen' altogether do not entitle the petitioner to any relief.

Dismissed.

March 05, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No