

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-53344 of 2018

Date of Decision: March 13, 2019

Ajit @ Jeeta

.....Petitioner

Versus

The State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Rakesh Nehra, Advocate
for the petitioner.

Mr. Ripu Daman, AAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off regular bail application under Section 439 Cr.P.C. moved in FIR No. 529 dated 10.09.2017 under Sections 302/201/376-D and 120-B IPC, Sections 25, 54, 59 of the Arms Act and Section 4/5 of Immoral Traffic Act, registered at Police Station Meham, District Rohtak.

The brief facts of the case are as follows:-

“Jagdish, complainant of this case, who works as a watchman in village Kharkhara on 10.09.2017 made a

statement before the police that on the said date, he had received information that a dead body of a women flowing in a river from the side of Dadri and had got struck near the bridge in their village. With the help of the police, the dead body was taken out and which was identified to be of a young woman aged 26/27 years and half of the left ear was torn by the animals and injury marks were present over the head behind the ear. The body was badly putrefied. From the pocket of the pant worn by the dead body, a copy of the Aadhar Card with date of birth and address to be of West Bengal was recovered and on the basis of same, the present case was got registered. It was in the investigation, one Momina Bibi made a statement under Section 164 Cr.P.C. before learned SDJM Meham that she alongwith deceased (identified to be of Tajmira) belonged to West Bengal and were residing in Delhi and had been pushed into flesh trade. During investigation, it was revealed that deceased Tajmira was sent with boys, whose names have been divulged to be present petitioner, Ajit and Amit, Rohit, Tota and it was thereafter the accused non-applicant Sunil on 07.09.2017 sold Tajmira for Rs.5,000/- with Rohit, Ajit, Amit, Tota and Amit Mitta

and the ladies were thereafter kept at the house of Maya, Kali and Jaibir in the area of village Julana and pushed into the sex trade and subsequently the deceased was killed and her dead body was thrown into the canal”.

Mr. Rakesh Nehra, learned counsel for the petitioner contends that the petitioner is behind the bars since a long time and there is no direct evidence to connect him with the commission of the offence and even some of the prosecution witnesses did not support the story of the prosecution and that the trial is not likely to be concluded in near future.

Mr. Ripu Daman, AAG, Haryana has strongly opposed the grant of the bail and that the statement of Momina Bibi, who was residing with the deceased and was forced into this trade in a statement under Section 164 Cr.P.C. has categorically named the accused to be the instrumental in this act and that the reports of the laboratory are sufficient enough to hold that the deceased was killed by means of a bullet injury and if allowed bail there is every likelihood that the remaining witnesses will be forced to resile and submitted that in view of the seriousness of the offence disentitle them to any relief.

Going through the submissions and the fact that Momina Bibi in her statement before the Court of law of learned SDJM categorically named the accused. Furthermore, report of the forensic science laboratory shows a 7.65 mm bullet has been recovered out

from the dead body and that there is a recovery of cartridges with a country made pistol from the possession of one of the accused are matters of serious concern. As has been observed from the police records, there has been lack of aptitude shown by the Investigating Agency in which such a heinous crime is being investigated. The apprehension of the State that if allowed bail to the petitioner would certainly influence the remaining witnesses is not unfounded.

The circumstantial evidence and the heinousness of the allegations, disentitle the petitioner to grant of the bail.

Accordingly, the application stands dismissed.

March 13, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No