

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

212

CRM-M-18769-2020

Date of Decision: 17.08.2020.

Mohmmad Mukbul

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Piyush Aggarwal, Advocate for the petitioner.

Mr. Saurabh Girdhar, Assistant Advocate General, Haryana.

Suvir Sehgal, J.

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner, namely, Mohmmad Mukbul, son of Mohmmad Tasleem, has filed the present petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.99 dated 16.04.2019, under Sections 302, 201, 120-B IPC, registered at Police Station Sector-6, Bahadurgarh.

Counsel for the petitioner has submitted that the petitioner was not named in the FIR lodged by the bother-in-law of the deceased, Vinay Soni. According to the counsel, the petitioner has been involved on the basis of statement of Ashish @ Sonu, who had some monetary dispute with the deceased. Counsel urges that the wooden rod allegedly used in the killing of

the deceased, has been planted to frame him. Counsel contends that the offence as alleged in the FIR is not made out against the petitioner. He has placed reliance on order dated 18.01.2020 (Annexure P2), whereby Additional Sessions Judge, Jhajjar granted regular bail to co-accused Ashish @ Sonu. Counsel has referred to statement Annexure P4 and argued that one of the material witness, namely, Rajpal PW2 has resiled from his statement.

Opposing the prayer for bail State counsel, on instructions from SI Jora Singh, has submitted that the petitioner is the main accused. As per his instructions, the petitioner alongwith the co-accused and the deceased were indulging in betting. Ashish @ Sonu owed a sum of Rs.40,000/- to the deceased, as a result of which they had some altercation. On the fateful night, the petitioner and other co-accused repeatedly hit the deceased with a rod which led to his death and then disposed of his body. State counsel submits that CCTV footage in possession of the investigating agency shows the petitioner and other co-accused putting the dead body of Vinay Soni, which was wrapped in a white cloth, in a car for disposal.

I have considered the rival submissions of the parties.

A perusal of the order dated 18.01.2020 (Annexure P2) passed by Additional Sessions Judge, Jhajjar shows that co-accused Ashish @ Sonu has been granted regular bail as he has been named by the present petitioner in his disclosure statement. Furthermore, the Court had taken notice of the fact that the allegations against Ashish @ Sonu were only with respect to Section 201 IPC read with Section 120-B IPC and no role had been attributed to him in causing injuries to the deceased. On the contrary,

also the recovery of the rod used in the offence, has been effected from the petitioner. The fact that one of the material witness Rajpal PW2 has resiled from his statement would not help the petitioner as Rajpal was not eyewitness to the occurrence.

In view of the above facts, the probability of the petitioner being involved in the murder of Vinay Soni cannot be ruled out. Therefore, the petitioner is not entitled to concession of regular bail and the present petition stands dismissed.

It is clarified that any observation made hereinabove shall not be construed as an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

17.08.2020

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No