

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

CRM-M-19506-2020(O&M)

Date of decision:-21.7.2020

Balram Kumar @ Vijay Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Ms.Sunita Nambiar, Advocate
for the petitioner.

Mr.Apoorv Garg, DAG, Haryana.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Balram Kumar @ Vijay Kumar – an accused in FIR No.35 dated 12.8.2014, under Sections 302, 201 and 34 IPC, registered at Police Station Karnal, District GRP Ambala Cantt.

Briefly stated, facts of the case as per prosecution version are that one Sompal, an agriculturist by avocation and a married person having children had developed illicit relations with wife of Satyawan. Satyawan had raised a loan of Rs.3 lakhs from Sompal, which he was not paying. Resultantly, relations between them became strange. The dead

body of Sompal was found on the railway track within jurisdiction of village Uchana. His car was standing nearby on 12.8.2014. The criminal machinery in this case was set into motion by his brother Tarsem Singh son of Baser Singh, resident of village Uplana, Police Station Assandh, District Karnal, aged about 35 years by making statement to the police. In his such statement, he had raised a suspicion that Sompal had been murdered by Satyawar along with his friends and then his dead body was placed on the railway track to make it look like a case of suicide. After registration of the formal FIR, the matter was investigated, during the course of which, it transpired that petitioner/accused had played a major role in the incident. On completion of investigation, he has been sent up to face trial, which is pending. He had filed an application for regular bail, which was however dismissed by Additional Sessions Judge, Karnal vide order dated 18.11.2019. In such order, learned Additional Sessions Judge, Karnal had observed that material witnesses are yet to be examined and in case petitioner is released on bail, then he would pressurize the witnesses, which cannot be allowed. It was further observed that co-accused of the petitioner has already been convicted and sentenced by the Court.

The petitioner had earlier approached this Court and filed CRM-M-53623-2019 for regular bail, which had been dismissed as withdrawn by this Court vide order dated 23.1.2020. The operative part of the order is being reproduced as under:

Learned counsel for the petitioner states that he be permitted to withdraw the present petition.

Dismissed as withdrawn.

Now the petitioner has approached this Court again seeking the similar relief, which is being resisted by the State counsel.

I have heard learned counsel for the parties besides going through the record.

Surprisingly, the petitioner has tried to conceal the factum of the petitioner having approached this Court earlier by moving a petition for grant of regular bail and the same having been dismissed as withdrawn. In the petition, it is mentioned to be first petition for grant of regular bail. In para No.20 of the petition, it has been mentioned that the petitioner had not filed any such or similar petition in this Court or Hon'ble Supreme Court. However, such contentions are obviously wrong. The office has reported that the petitioner had filed a petition for regular bail earlier bearing CRM-M-53623-2019, which was dismissed as withdrawn by this Court on 23.1.2020. The petitioner has obviously tried to conceal the material facts from this Court and rather has attempted to play a fraud with it by suppression of the material facts. Such type of petitioner is certainly not entitled to discretionary equitable relief of regular bail for such like reason.

On merits also, the petitioner has got no case for the reason that though not named in the FIR but during the course of investigation, his involvement in the incident has been found to be there and he has since been challaned and facing trial. As the material witnesses are yet to be examined, the observations as recorded by the trial Court that there is reasonable apprehension of his tampering with the prosecution witnesses, if released on bail cannot be brushed aside lightly. There is even

possibility of his absconding and in the process trying to delay the trial. The allegations against the petitioner are very grave and serious. Therefore, on merits also, the petitioner does not deserve concession of bail.

Therefore, the petition stands dismissed.

Keeping in view the conduct of the petitioner in making misrepresentation and concealment of facts, the Registrar (Judicial) of this Court is directed to hold an inquiry into the matter and then to submit report.

21.7.2020
Brij

(H.S.MADAAN)
JUDGE

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