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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.22100 of 2020 (O&M)
Decided on: 15.10.2020

Kuldeep

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner in FIR No.77 dated 14.03.2019 registered under Sections 364, 302 read with Section 34 IPC at Police Station Kanina, District Mahendergarh.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered on the statement of Laxmi Devi, mother of the deceased Mukesh, it is stated that he was missing since 11.03.2019 and his whereabouts are not known. Later on, the police received an information that on 15.03.2019 a dead body of a person is floating in water canal, which was found to be of Mukesh, the missing son of the complainant.

Thereafter, the complainant further made a statement that on 11.03.2019, Mukesh went with the present petitioner – Kuldeep and on 13.03.2019, Kuldeep i.e. the present petitioner came to her house

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and handed over a mobile phone and purse of his son – Mukesh.

The police during the investigation, find the evidence against the petitioner, arrested him and recorded his disclosure statement.

Counsel for the petitioner has argued that the deposition of some of the prosecution witnesses has been recorded and further referred to the statement of PW-2, Bhim, who stated that on 11.03.2019, he along with some other boys had gone to canal where they found one mobile phone and purse near JLN, Canal. Since the mobile phone was ringing and he picked up the call and the petitioner – Kuldeep, who was on the other side of the call, asked about Mukesh. Upon which PW2 told him that Mukesh is not there then the petitioner – Kuldeep came there and took away the mobile phone and purse of Mukesh.

Counsel for the petitioner has further referred to the statement of the complainant, Laxmi Devi, who has deposed as per the version given in the FIR.

A perusal of the FIR show that she stated that on 11.03.2019, her son had gone with the petitioner Kuldeep and on 13.03.2019, Kuldeep came and handed over the mobile phone and purse of Mukesh to her.

Counsel for the petitioner has, thus, argued that the involvement of the petitioner is not proved.

Counsel for the State has filed the affidavit of the Deputy Superintendent of Police, Kanina, District Mahendergarh and submits that there is sufficient evidence against the petitioner and even according to his own disclosure statement, the recovery of motorcycle

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used in commission of the crime, was recovered from him and similarly, another motorcycle was recovered from the co-accused.

After hearing the counsel for the parties, considering the fact that even as per PW2, the mobile phone and purse was handed over to the petitioner on 11.03.2019 and he has given it to the mother of the deceased – Mukesh on 13.03.2019, which raises a strong suspicion against the petitioner, therefore, finding no merit in the present petition, the same is accordingly, dismissed.

Nothing observed herein shall be construed as an expression of opinion on merits of the case.

(ARVIND SINGH SANGWAN)
JUDGE

15.10.2020
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Whether speaking/reasoned Yes/No

Whether reportable: Yes/No