

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-9600 of 2021  
Date of decision:29.10.2021

Pritam Singh

... Petitioner

Vs.

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Bijender Singh Dhankar, Advocate and  
Mr. Atul Partap Dhankar, Advocate  
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Mukesh Rao, Advocate  
for the complainant.

**SUVIR SEHGAL J.**

This is the second petition filed by the petitioner seeking grant of regular bail under Section 439 of the Code of Criminal Procedure in FIR No.223 dated 30.07.2019 registered for offences under Sections 302, 201, 120-B and 346 of Indian Penal Code, 1860 at Police Station Kheripul, District Faridabad (Annexure P-1).

Criminal law was set in motion on a complaint made on 30.07.2019 by Kiran Devi, wife of Shiv Kumar that her husband is missing. On the very next day, i.e., on 31.07.2019, a representation was submitted to the Commissioner of Police, Faridabad by Pardeep, brother of Shiv Kumar, suspecting Kiran Devi for causing disappearance of his brother. During the course of investigation, it emerged that Kiran alongwith her paramour

Umesh, Sandeep, Pritam Singh (present petitioner) and Ram Mahesh murdered Shiv Kumar and threw his body in the Gurgaon canal, which has not been recovered till now. Motorcycle of deceased, Shiv Kumar was recovered on 20.08.2019 and during investigation, the statements of the accused were recorded as well as the call details between them, were obtained from the mobile companies. The petitioner was arrested on 16.09.2019.

Counsel for the petitioner has argued that the petitioner has been falsely framed and there is no material with the prosecution, except the statement of the co-accused, Kiran, recorded in police custody, which is not admissible in evidence. He submits that the petitioner is no longer required for custodial interrogation as the challan against him has been presented and the trial is likely to take time to conclude, therefore, he deserves to be released on bail.

Petition has been opposed by the State counsel upon instructions from ASI Sanjay with assistance from the counsel for the complainant. By replying upon the status reports filed by way of affidavits of Assistant Commissioner of Police, Old Faridabad dated 28.09.2020, 11.11.2020 and 04.02.2021 in the connected petition, CRM-M-22481-2020, preferred by co-accused, Kiran Devi, which has been withdrawn, after arguments, by an order passed on even date, it has been urged that the petitioner in connivance with the above named four co-accused has murdered Shiv Kumar. Reference has been made to the call details of the co-accused, which have been filed as Annexure R-1 with affidavit dated

04.02.2021. He submits that the delay in the trial was on account of the fact that one of the co-accused, Ram Mahesh was absconding and was arrested on 20.11.2020 against whom supplementary challan has been filed. He argues that the trial is at its initial stage, material witnesses are yet to be recorded and therefore, the petition deserves to be dismissed.

I have considered the respective submissions of counsel for the parties.

Main accused, Kiran, wife of the deceased, was in a relationship with Umesh, which was objected to by her husband, Shiv Kumar. A conspiracy was hatched by Kiran, Umesh and Pritam (present petitioner), who is his brother-in-law, to eliminate Shiv Kumar.. The exchange of calls amongst the co-accused, on and around the fateful day, shows that the accused were probably in constant touch with each other at the time of alleged occurrence. An official from the mobile telephone company has been examined by the prosecution and the mobile phones alongwith SIM Cards have been recovered from the accused. From the material placed on the record by the State, probability of the complicity of the petitioner in the homicide, cannot be ruled out.

The first petition seeking concession of bail, CRM-M-13081-2020 has been withdrawn by the petitioner, after arguments, on 09.06.2020 and there is no change in the situation or circumstances thereafter to warrant grant of bail to the petitioner. Filing of the subsequent petition amounts to seeking review of earlier judgment which is not permissible in criminal law

as has been held by the Hon'ble Supreme Court in **Hari Singh Mann Vs. Harbhajan Singh Bajwa (2001) 1 SCC 169; State of Madhya Pradesh Vs. Kajad 2001 SCC (Criminal) 1520 and State of Maharashtra Vs. Capt. Budhikota Subbarao 1989 Supplementary (2) SCC 605.**

Consequently, this petition, which is bereft of merit is ordered to be dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression on the merits of the case.

(SUVIR SEHGAL)  
JUDGE

October 29, 2021  
savita

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|---------------------------|-----|
| Whether Speaking/Reasoned | Yes |
| Whether Reportable        | Yes |