

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

**CRM-M No.16362 of 2021(O&M)
Date of Decision-11.10.2021**

Surjeet ... Petitioner
Versus

State of Haryana ... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

Mr. Wazir Singh, Advocate
for the complainant.

RAJ MOHAN SINGH, J.

[1]. Petitioner seeks grant of regular bail under Section 439 Cr.P.C in his third attempt in case bearing FIR No.0226 dated 25.08.2018 registered under Sections 302, 34 IPC (Section 120-B IPC added later on) at Police Station Julana, District Jind.

[2]. CRM-M No.10891 of 2020 was got dismissed as withdrawn on 12.10.2020. Thereafter, CRM-M No.6498 of 2021 was got dismissed as withdrawn on 17.02.2021.

[3]. FIR was registered on the statement of complainant Balwan with the allegations that his nephew Ankit was murdered. Ankit had made a telephonic call on 24.08.2018 at 10:18 PM on the mobile phone of Krishan in respect of beatings given to him by four

persons. On being asked by Krishan, Ankit could not tell the names of accused persons and thereafter, his mobile phone was disconnected. The suspicion arose that his nephew Ankit must have been murdered by the petitioner, Mahabir and two unknown persons. Ankit was learning driving of JCB machine with the petitioner. JCB machine was owned by Mahabir. The allegations against the petitioner are that he along with co-accused hatched a criminal conspiracy and committed murder of Ankit. After his arrest, he made a disclosure statement that he gave fist blows on the nose and mouth of Ankit. Co-accused Jagbir @ Sonu gave kick blows on the private part of Ankit. Thereafter, Ankit fell down and the petitioner and Jagbir @ Sonu caught hold of Ankit from his hairs and struck his head repeatedly on the metalled road. As a result of injuries, Ankit fell unconscious and thereafter, they dragged Ankit into the fields and pressed his mouth in the muddy water standing in the fields and kept his mouth downward in the muddy water till his death. In the first disclosure statements of the petitioner and Jagbir @ Sonu dated 27.08.2018, names of co-accused Rajbir @ Monu and Mahabir were disclosed. In the second disclosure statements of the petitioner and Jagbir @ Sonu, role of Rajbir @ Monu came to fore.

[4]. Learned counsel for the petitioner submitted that Rajbir @ Monu and Mahabir have been granted regular bail by this Court vide order dated 19.02.2020 passed in CRM-M No.17454 of 2019

and CRM-M No.4964 of 2020 respectively. Petitioner and Jagbir @ Sonu are in custody.

[5]. Learned State counsel duly assisted by learned counsel for the complainant opposed the bail on the ground that the complainant has not been examined so far. No new ground is made out for grant of regular bail, particularly when earlier two petitions were got dismissed as withdrawn. The postmortem of the dead body of Ankit was conducted by Board of Doctors on 27.08.2018 and cause of death was found to be smothering coupled with injuries described, which were sufficient to cause death in ordinary course of nature.

[6]. Looking to the gravity of offence and the role played by the petitioner, I do not see any justification to grant indulgence under Section 439 Cr.P.C in favour of the petitioner. The present petition is accordingly dismissed.

(RAJ MOHAN SINGH)
JUDGE

11.10.2021
Prince

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