

CRM-M-19507-2021

Date of decision: 30.06.2021

BALKAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Jasinder Singh Thind, Advocate
for the petitioner.

Mr. Arun Beniwal, DAG, Haryana.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)*

VIVEK PURI, J. (ORAL)

Balkar-petitioner is seeking regular bail in the case bearing FIR No. 306 dated 13.07.2018 under Sections 346/302/201 IPC, 1860 and Section 25 of Arms Act, 1959, registered at Police Station Badshahpur, District Gurugram.

Briefly, the case has been registered on the basis of the statement of Prem Kumar alleging that the deceased, namely, Bintoo Garg is his brother who was working as a driver with Uber Company car and had taken a room on rent in the area of Village Fazilpur, Police Station Badshahpur. On 09.07.2018, at about 9:46 pm, the deceased made a telephonic call at his residence informing that he will reach back home during the night hours. In the morning hours, all the mobile phones of the deceased were switched off. On 11.07.2018, the complainant contacted the Uber Company and came to know that the last booking was done on 08.07.2018 and there was no other booking. The complainant suspected that his brother has been abducted by someone and accordingly FIR was registered.

It has been contended by the learned counsel for the petitioner that

murder, the dead body has not been recovered, the petitioner is in custody for the last more than two and a half years and the conclusion of trial is likely to take some time.

On the contrary while resisting the bail application, it has been argued by the learned State counsel that though it is a case of blind murder but the petitioner was arrested in another case bearing FIR No. 81 dated 19.07.2018 under Sections 399/402 IPC and 25 of Arms Act, 1959, registered at Police Station Phool District Bathinda wherein he made the disclosure with regard to commission of murder of Bintoo Garg. Consequently, the offence under Section 302 IPC and 25 of Arms Act have been added and furthermore, the recoveries of incriminating articles have been effected and moreover, the deceased spotted with the accused in the CCTV footage of Toll Plaza.

Merely because the petitioner is in custody for the last more than two and a half years, it cannot be termed to be a circumstance to extend the concession of bail particularly because of the restricted hearing of the Courts due to prevailing Covid-19 Pandemic. It has not been disputed that the case of the petitioner does not fall in the category of cases in which undertrial prisoners have been granted bail/interim bail as per the guidelines of High Powered Committee. Moreover, the fact that the dead body has not been recovered cannot be a circumstance to conclude falsehood in the version of the prosecution at this stage. The petitioner had made a disclosure with regard to commission of murder of Bintoo Garg alongwith co-accused in another case. Furthermore, the petitioner was seen which travelling in the car of the deceased in the CCTV footage of Toll Plaza. The Aadhar Card and papers of the car of the deceased have also been recovered from the petitioner and the co-accused. The blood stained towel has also been recovered at the instance of the petitioner and the report of DNA from

mother of the deceased has not yet been received. The petitioner is also involved in another case registered under Sections 399 and 402 IPC.

Keeping in view, the aforesaid entire circumstances, no justified ground is made out to extend the concession of bail to the petitioner.

In view of the above, the present petition is dismissed.

30.06.2021
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(VIVEK PURI)
JUDGE

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