

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

CRM-M-26492-2020

Date of Decision : 25.08.2021

Vishwajeet @ Monu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Narinder Hooda, Senior Advocate assisted by
Ms. Jasneet Mehra, Advocate
for the Petitioner.

Mr. Bhupender Singh, Dy. Advocate General, Haryana
for the Respondent/State.

Mr. Arihant Jain, Advocate and
Mr. Rishav Jain, Advocate
for the Complainant.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.131, dated 16th October, 2019, registered under Sections 302, 201 and 34 of the Indian Penal Code, 1860 at Police Station GRP, Faridabad.

2. In nutshell, the Prosecution Case is that on 16th October, 2019, Police received a telephonic information that one dead body was found near Ajji Colony, which was duly identified by Ramesh Chand son of Muli Ram Sharma, resident of village Badawal, Police Station Chhata, District

Mathura, at present residing in Adarsh Colony, Barsana Road, Chhata, District Mathura and Rambabu Vashist. The Scene-of-crime team was called, but could not come as they were busy in a meeting with ADGP. The site was examined with the help of dog squad of SCB and Videography was carried out. On examination, it was found that deceased was Raj Kumar, who was having injuries on neck, both hands and abdominal area, inflicted by some sharp edged weapon. Thereafter, his father gave a complaint that his son was killed by some unknown persons and his body was thrown there. He also disclosed that Raj Kumar was unmarried and was working with JC Auto Fab Private Limited as LNT Operator for the last about 1 ½ years and was residing in Rajeev Colony, Ballabgarh, along with Akash. He spoke to his son on 14th October, 2019 at about 7.00 PM, who disclosed that he was with his uncle Ram Babu Vashist, and after some time would go to his room. On 15th October, 2019, he again gave a call to his son on his phone, but the phone was found to be switched off. He tried to contact his friend also, but that phone was also found switched off. Thereafter, on 16th October, 2019, he lodged a missing report qua his son and identified the dead body. He, thereafter lodged the Complaint that his son was killed by some unknown persons with the request that action be taken against them. On the basis of his statement, the FIR was lodged. Post Mortem of dead body was got conducted and investigation was carried out by SI/SHO. On some secret information, the Petitioner Vishwajeet alias Monu, along with Sonu alias David, were arrested and during interrogation, they disclosed that

they had killed Raj Kumar and thrown his body at the place of incident. They were taken on Police Remand for two days. They identified the place, where they had committed the murder and the place where threw the dead body and weapons of offences i.e. Knife, “Sua”, clothes worn by them at the time of incident, gloves and mobile of deceased were got recovered and taken into possession vide separate memo.

3. Ld. Counsel for the Petitioner has vehemently argued that there is absolutely no evidence to suggest the involvement of the Petitioner in the offence since he was neither named in the FIR nor even identified by the witness Tulsi Ram, who is stated to have lastly seen the deceased in the company of two young boys. He has also contended that by now his Client has remained in detention in the present case, for almost one year and ten months, since 30th October, 2019 and there is no progress in the trial since only the Examination-in-Chief of the first Prosecution Witness/Complainant has been recorded in the Trial Court so far. He, therefore, submits that his Client is entitled to be released on bail, at this stage.

4. This Court is, however, not in agreement with the above submissions. It cannot be said that there is absolutely no material available to link the Petitioner with the alleged occurrence at all. A sharp cutting weapon of offence in the form of a knife was recovered at his instance. The same was found to carry traces of human blood of the Group-'A'. Besides, the most material witness from the Prosecution Side namely Tulsi Ram is yet to come to the dock. He is alleged to have seen the deceased present for

the last time in the company of two young boys, who were not known to the witness till that time. But cross-examination of the first Prosecution Witness, i.e., the Complainant is stated to be yet not complete because the defence side itself has been seeking adjournments for that purpose, on account of which the witness Tulsi Ram, so far, has been rendered unable to give his Statement from the Prosecution side.

5. For the aforesaid reasons, and in view of the gravity of the offence involved, this Court is of the view that this is not a fit case to grant the relief of Regular Bail to the Petitioner, at this stage of trial.

6. Dismissed.

August 25, 2021

Dpr

(SUDIP AHLUWALIA)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No