

CRM-M-44021 of 2020

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

(Proceedings through video conferencing)

CRM-M-44021 of 2020
Date of decision: 19.02.2021

Vikram @ Vicky

.....Petitioner

vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Vinod Kumar, Advocate,
for the petitioner.

Mr. Dhruv Sheoran, DAG, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

Through instant third petition filed under Section 439 Cr.P.C. petitioner seeks grant of regular bail in FIR No.99 dated 03.08.2019 registered under Sections 120-B, 201 302 read with Section 34 IPC at Police Station Alewa, Jind.

In brief, the story of the prosecution is that on 03.08.2019, the complainant made a complaint to the effect that they were four brothers and the younger one was Karambir (deceased), who was married in village Amarheri. Karambir had divorced his first wife. His second marriage was solemnized with Pooja (co-accused). On the fateful night of 03.08.2019, Pooja made hue and cry. On hearing this noise, complainant and his nephew rushed to the roof and found that Karambir was lying with

CRM-M-44021 of 2020

bloodshed and there were injuries from shoulder to neck and backside of head with sharp weapon and he was bleeding. Whereupon he was shifted to Civil Hospital, Jind, where he was declared dead. It is alleged that before the fateful night i.e. on 02.08.2019, Karambir and his wife Pooja had a quarrel with each other. Complainant suspected that Pooja had committed murder of Karambir herself or through some other person. On the aforesaid statement, FIR in question was registered. Proceedings under Section 174 Cr.P.C. were conducted qua accused Pooja and she was arrested. On 06.08.2019 during interrogation, she suffered disclosure statement admitting her involvement and that of the petitioner – Vikram @ Vicky. Thereafter, Sections 120-B and 34 IPC were added. Consequently, petitioner was arrested. During investigation, petitioner got recovered clothes which he was wearing at the time of commission of offence. Furthermore, weapon of offence i.e. gandas was also recovered from the petitioner.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case. He is not named in the FIR. Petitioner has been implicated only on the basis of disclosure statement which has no evidentiary value. Petitioner is in custody since 06.08.2019. Conclusion of petitioner's trial may take a sufficient long time especially in the present circumstances when there is pandemic of Covid-19. Therefore, no useful purpose would be served by keeping the petitioner in custody.

On the other hand, learned State counsel opposes the grant of regular bail to the petitioner on the ground that petitioner is main accused

CRM-M-44021 of 2020

in the crime. He gave *gandasa* blow on the person of Karambir, which resulted into his death. There is every likelihood that if he is released on bail, petitioner may influence the prosecution witnesses.

I have heard learned counsel for the parties and gone through the paper-book.

Admittedly, cold-blooded murder of Karambir has been committed. The allegations against the petitioner are serious in nature as he along with co-accused Pooja, who is second wife of deceased Karambir, is alleged to have hatched a criminal conspiracy in connivance with each other and are alleged to have committed this murder. The petitioner is the main accused who is alleged to have given *gandasa* blows on the person of the deceased. The weapon i.e. *gandasa* used during the commission of the offence is alleged to have been recovered from the possession of the petitioner.

Another aspect of the present case is that the petitioner had earlier filed two applications for grant of regular bail i.e. CRM-M-24142 of 2020 and CRM-M-28978 of 2020 before this Court and both the petitions were got dismissed as withdrawn with liberty to file fresh one with better particulars etc., vide orders dated 28.08.2020 and 24.11.2020, respectively. A perusal of the averments made in this petition shows that the petitioner has failed to show any better or fresh particulars in this petition which were not demonstrated in the earlier two petitions. In such a situation, this third (repeat) petition for grant of regular bail cannot be entertained in the absence of any substantive change in the circumstances after the dismissal of the earlier two bail applications.

CRM-M-44021 of 2020

Keeping in view the totality of facts and circumstances of the present case and especially, in view of the gravity and seriousness of the offence, this Court is of the opinion that it is not a fit case to grant regular bail to the petitioner.

In view of the above, this petition is dismissed. However, nothing said above would be construed to be an expression of opinion on the merits of the case in hand.

February 19, 2021
R.S.

(Ashok Kumar Verma)
Judge

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No