

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

(212)

**CRM-M-1293-2021
DATE OF DECISION:- 17.02.2022**

DHARAMPAL SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rahul Rathore, Advocate
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana
for the respondent-State.

SUVIR SEHGAL, J. (ORAL)

Heard through video conferencing.

This is the second petition preferred by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 (for short “the Code”), seeking grant of regular bail in FIR No.59 dated 14.03.2020, Annexure P-1, registered for offences under Sections 302, 379 and 201 of the Indian Penal Code, 1860, Sections 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “the NDPS Act”) at Police Station Nissing, Karnal.

Criminal law was set in motion on the basis of information received at 08:00 A.M. on 14.03.2020 that dead body of a person is lying in an abandoned car bearing a temporary registration number. A police team reached the spot, saw a dead male in a locked car, which was opened and a wallet was found with some documents and a mobile number. On being contacted on that number, Pawandeep Kaur, a judicial

officer, who was the wife of the deceased, Ravi Verma, came and recorded her statement that on 13.03.2020, she had gone to Panipat for some personal work and her husband was at her official residence at Karnal. She talked with him on mobile on 01:30 PM when she heard some noises in the background and thereafter, there was no contact with him.

Counsel for the petitioner contends that the petitioner has been falsely implicated, who has been arrested on 16.03.2020 on the basis of call details of the deceased and his confessional statement was recorded. He urges that neither any motive nor any injury has been attributed to the petitioner. It is his argument that the deceased died due to overdose of some drug and no offence has been committed by the petitioner either under the IPC or under the NDPS Act. Still further, it is his submission that the first petition (CRM-M-42094-2020) filed by the petitioner was withdrawn on 18.12.2020 with liberty to file a fresh one.

Opposing the petition, State counsel upon instructions from ASI, Praveen Kumar and by making a reference to the reply filed by way of an affidavit of Deputy Superintendent of Police, Assandh, on behalf of respondent-State, which is taken on record, argues that the petitioner, who has a criminal past, was known to the deceased, who met him on the fateful day and they went together in a car to Ambala, purchased 2 gram *Chitta* from Kaka Shahpuria, who was known to the petitioner and stopped at a secluded spot on the G.T. Road at Shahpur. She submits that after mixing the drug with water and warming it up with a lighter in a bottle cap, they filled it in two syringes and the petitioner injected the mixture in the arm of the deceased and gave him the residue, which he inhaled through his nose, before injecting the second syringe in his arm.

She submits that after driving for a short distance, the deceased told the petitioner that he could not drive any longer and sat on the rear seat of the car. As per her instructions, the petitioner then shifted to the driver seat, dropped a boy, who was known to Kaka Shahpuria, at Shahbad. In the meanwhile, there were repeated calls on the mobile of the deceased from his wife, which he did not answer. She submits that on the basis of the disclosure statement of the petitioner, incriminating material has been recovered and despite attempts, co-accused, Kulwinder alias Kaka Shahpuria, could not be arrested. She submits that as per medical opinion, cause of death is because of "*Monoacetylmorphine poisoning*" and after concluding the investigation, final report has been presented and charge has been framed vide order dated 17.02.2021. It is her argument that considering the role of the petitioner, allegations against him, which point to his complicity in the murder, the petitioner is not entitled to be released on bail.

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

The accusations against the petitioner are grave and the prosecution apparently possesses sufficient incriminating material against him, which includes the call details between the deceased and the accused. Recovery of syringes, their wrappers, mobile phone, turban of the petitioner with blood stains, which match the blood of the deceased etc. has been effected on the basis of disclosure statement of the petitioner. The petitioner is accused of injecting a lethal overdose of a highly virulent drug and when the condition of the deceased deteriorated, he left him to die in his car on a highway instead of getting any medical aid for him. Co-accused is yet to be arrested. The petitioner has criminal

antecedents, the details of which he has suppressed from this Court despite having been given an opportunity vide order dated 24.11.2021 to bring the same on the record. The detail of the cases in which he is involved is as under:-

- (i) FIR No.569 dated 25.07.2014 lodged for offence under Section 68 of the Punjab Excise Act, 1914 at Police Station Civil Lines, Karnal, wherein he has been convicted and sentenced to imprisonment for the period undergone;
- (ii) FIR No.228 dated 31.10.2006 registered for offences under Sections 279 and 337, IPC at Police Station Madhuban, wherein vide order dated 22.04.2008, he has been declared as a proclaimed offender; and
- (iii) FIR No.28 dated 13.02.2001 registered for offences under Sections 498-A, 406 and 506, IPC at Police Station Nissing, Karnal, wherein the petitioner has been acquitted, vide order dated 16.07.2009.

Keeping in view the totality of the above facts and circumstances as well as the role ascribed to the petitioner, this Court is of the view that he cannot be granted the concession of bail pending trial.

Petition is dismissed.

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

(SUVIR SEHGAL)
JUDGE

17.02.2022
Kamal

Whether speaking/ reasoned	Yes/ No
Whether Reportable	Yes/ No