

CRM-M-2214-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2214-2022
Reserved on: 04.02.2022
Pronounced on: 09.02.2022

Ajay ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rajesh Goyal, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
38	20.01.2021	Samalkha, District Panipat	323, 34, 506 IPC (Sections 302 & 201 IPC added later on during investigation)

1. The petitioner, incarcerated upon his arrest in the FIR captioned above, came up before this Court under Section 439 of Code of Criminal Procedure, 1973 (CrPC) seeking bail.
2. In paragraph 14 of the petition, it is declared that the accused has no criminal history.
3. Ld. Counsel for the petitioner contends that the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. The contention on behalf of the State is that offence is of murder and bail in such a serious offence would certainly encourage criminals.

REASONING:

5. The deceased was accompanied by the complainant on his bike while returning from work. They were waylaid by three persons, out of whom one kept the bike running position and other two caused beatings which finally resulted in death. The motive behind the beatings was that Dheeraj, a co-worker had altercations and scuffle with the

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deceased at the workplace and such incidents were seen by the co-workers. To avenge the insult, the said Dheeraj took help of his friends, one of whom is the petitioner, and on his instigation, they caused brutal injuries to Suresh, and despite treatment, he expired. In the police custody, the petitioner made disclosure statement and police also recovered the bike used in the crime. The police had collected CCTV footage which did show that three persons were seen riding the bike towards the spot of crime at the relevant time and also returning after the time of the commission of the offence. In answer to the query of this Court about the connection of the bike with the petitioner, Mr. Manish Bansal, Ld. Deputy Advocate General stated that he got information from the data base that the bike was registered in the name of the petitioner Ajay. **Needless to say, further investigation seems to be required in this aspect and also regarding the GPS location and call details between the accused. It is for the concerned Investigator, SHO, supervisory officers, and the concerned SP to take a call about the necessity of further investigation and may proceed in accordance with the law if they deem it fit and appropriate.**

6. An analysis of the allegations and evidence collected does not warrant the grant of bail to the petitioner. However, he may file a fresh bail petition after three months if further investigation is not conducted or does not yield any evidence qua connection through call details.

7. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner fails to make a case for bail.

8. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition dismissed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

February 09, 2022
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.