

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

CRM-M-7826-2022

Date of decision : 15.09.2022

Manjeet Singh

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

Mr. J.S. Thind, Advocate
for the complainant.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioner seeks pre-arrest bail under Section 438 Cr.P.C. The petitioner was summoned as additional accused after pressing Section 319 Cr.P.C.

2. Counsel for the petitioner contends that though dying declaration of deceased was recorded by the Magistrate and the same inculcates him but during the course of investigation, statement of his minor daughter namely Navjot Kaur was recorded under Section 164 Cr.P.C. on 04.08.2021, which was considered by the investigating agency while declaring him innocent. He relies upon judgment of Apex Court in *CRA-470-2015*, titled as '*Kamal Khudal vs. State of Assam*' to contend that it is trite that dying declaration itself is sufficient to convict, but at the same time, the said rule is not without exceptions.

3. Mr. Jain alongwith Mr. Thind, however submits that subsequent to the filing of the present petition, the petitioner has been declared proclaimed offender vide order dated 15.07.2022. Moreover, Mr. Thind submits that in view of the dying declaration and that too which has been recorded by JMIC, the investigating agencies ought not have exonerated the petitioner. It was for the trial Court to assess the evidence on record.

4. I have heard counsel for the parties and have gone through the records of the case.

5. In view of the fact that dying declaration was recorded and was admittedly part of investigation. Moreover, it has come on record that subsequent to the presentation of challan, the shoddiness of the investigation was detected and the Investigating Officer has been proceeded against for having botched up the investigation.

6. Keeping in view the serious allegations and the gravity of offence, no ground for grant of pre-arrest bail is made out.

7. Consequently, the present petition stands dismissed.

(PANKAJ JAIN)
JUDGE

15.09.2022

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No