

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-11188-2022

DATE OF DECISION: SEPTEMBER 13, 2022

HAPPY

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. RAKESH NEHRA, SR.ADVOCATE
WITH MR. ANKIT YADAV, ADVOCATE
FOR THE PETITIONER.

MR. SUKHDEEP PARMAR, DAG, HARYANA.

MR. ASHWANI GAUR, ADVOCATE
FOR THE COMPLAINANT.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.56 dated 18.2.2019, under Section 302, 201, 34, 346, 379-B, 404 and 120-B IPC, Police Station Rohtak Civil Lines, District Rohtak, who is in custody since his arrest on 22.2.2019.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Rohtak in the order dated 2.3.2022, are as under:-

“This case was registered on a complaint made by Deepak Puniyani on the allegations that his father-Ramesh had left the house on February 17, 2019 at about 10.00 AM on his Access scooty without any number plate for the King Hotel. He left the hotel at about 7.30 PM, but never returned home. The family was unable to trace him. Initially, a missing report was lodged. During the course of investigations, an untraced body was recovered

from the canal at Jhajjar road. It was found to be the body of missing Ramesh. Thereafter, Sunny s/o Ramesh made another complaint disclosing that he and Deepak were brothers. Their father Ramesh was running a ready-made garment store under the name and style of "Pari Collection". He used to wear a gold chain, a gold kara and gold rings and was in possession of two ATM cards, several other documents, and Rs.65,000/- to Rs.70,000/- in cash (all currency notes of Rs.2000/- each) when he left home. He also affirmed that the deceased had left home on February 17, 2019 on his Access scooty without number. Deepak had called their father on No.9255100920 at 7.30 PM. He had intimated that he would be reaching home within 15-20 minutes, but he never reached home. Thereafter, the missing report was lodged, but the family could not trace him and subsequently his body was found from the canal. Deepak further disclosed that a youth and a woman had frequently visited their shop and would often talk to their father. When Sunny enquired about their identity from them, they identified themselves as Happy and Jyoti. He suspected their hand in the death of his father and also suspected that they had robbed him before killing him."

Learned senior counsel for the petitioner has argued that the case of the prosecution is founded upon circumstantial evidence as initially the FIR was lodged by Deepak Puniyani regarding missing of his father, namely, Ramesh Puniyani(deceased) and subsequently, accused Jyoti and petitioner were implicated. He submits that the other co-accused, namely, Dikshant who was found to be juvenile has already been released on regular bail. Learned senior counsel has submitted that the petitioner is in custody

for the last more than 3 years and till date only two witnesses have been examined, therefore, he be released on bail.

Learned State counsel assisted by ASI Ram Niwas has opposed the prayer and argued that the offences are serious and the petitioner and his co-accused Jyoti committed the alleged crime and as per the disclosure statement of Jyoti, she entered Hotel Kings alongwith the victim and stayed there for 45 minutes, when she called her accomplice in order to rob the victim of his gold and cash. Learned State counsel has argued that the electronic evidence showing presence of Jyoti while entering and coming out of the hotel is relied upon by the prosecution and after the arrest of the petitioner, the gold ornaments alongwith the vehicle of the victim were recovered from the petitioner.

After hearing learned counsel for the parties and analyzing the case of the prosecution, this Court is of the opinion that as the material witnesses including the hotel staff are yet to be examined, therefore, at this stage, the petitioner does not deserve the concession of regular bail.

The petition is dismissed.

September 13, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No