

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

(1) **CRM-M-19635-2021 (O&M)**

Chetan Sharma ...Petitioner

Versus

State of Haryana ...Respondent

(2) **CRM-M-25989-2021 (O&M)**

Pulkit Madan ...Petitioner

Versus

State of Haryana ..Respondent

Date of Decision:- 1.9.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Chanchal K. Singla, Advocate,
for the petitioner in CRM-M-19635-2021.

Mr. Aman Pal, Advocate,
for the petitioner in CRM-M-25989-2021.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Naresh Kumar.

Mr. Ashwani Talwar, Advocate with
Mr. Gandharv Malhotra, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned two petitions filed on behalf of Chetan Sharma and Pulkit Madan seeking grant of regular bail in a case registered against them vide FIR No. 181 dated 7.2.2020 under Section 346 IPC (later offence under Section 346 IPC deleted and offence under

Sections 365, 302, 201, 404/34/120B IPC were added) at Police Station City Panipat, District Panipat.

2. The FIR in the present case was lodged at the instance of Suresh Sharma wherein it is alleged that his brother-in-law (sister's husband) Naresh Sharma had left his shop on 6.2.2020 at about 8 p.m. in his Etios Car bearing registration No. HR06-AF-9255 but never reached home and has been missing ever since. Consequently, FIR for an offence under Section 346 IPC was lodged.
3. Subsequently, on 8.2.2020 car of deceased Naresh Sharma was found abandoned in canal of village Budhanpur. However, dead body was not found at that point of time. Consequently, offence under Section 365 IPC was added. It is further the case of prosecution that during the course of investigation, CCTV cameras installed in the house of Pawan were checked on 9.2.2020 and it was found that on 6.2.2020 at about 9:12 p.m., the Etios Car was being followed by a Swift Dzire car, which was going towards Avardhan Canal from Gharaunda side. In the same CCTV footage, at about 9:48 p.m., it was recorded that Swift Dzire car was coming from Avardhan Canal towards Gharaunda side. Upon checking of CCTV footage from the cameras installed in the Essar Petrol Pump of village Upli, it was found that Swift Dzire car bearing registration No. HR11G-9754 had been refueled between 9:50 p.m. and 9:52 p.m. Upon making inquiries, the said car was found to be registered in the name of Monika wife of Sombir Khard, who was joined investigation and who disclosed that she had given the said car to Chetan Sharma (petitioner) for selling it off.

4. The aforesaid Chetan Sharma alongwith co-accused Pulkit Madan (petitioners) and Sunil was apprehended on 10.2.2020 and who in their disclosures admitted having murdered the deceased. Consequently, on 10.2.2020 offences under Sections 302, 201, 404, 34 IPC were added. It is further the case of prosecution that the accused Pulkit Madan, Chetan Sharma and Sunil demarcated the place where they have thrown the dead body in Bhutanpur. On 12.2.2020, dead body of deceased Naresh Sharma was found at Tubata on the bridge of Kasandi Canal. Chetan Sharma got the Swift Dzire car bearing registration no. HR11G-9754 recovered.
5. The learned counsel for the petitioners have submitted that the petitioners have falsely been implicated in the present case and that there is no evidence worth credence to connect them with the alleged occurrence. It has been submitted that the petitioners are merely being proceeded against on the basis of their own disclosure statements, which would hardly carry any evidentiary value. The learned counsel has further submitted that the petitioners cannot be connected with the CCTV footage and that they are nowhere seen in the car or identified. It has also been submitted that the petitioners cannot be connected with Swift car, which stands registered in the name of Monika and who had also taken *superdari* of the same, which would absolutely rule out the ownership of Chetan Sharma. It has also been submitted that when the statement of aforesaid Monika was recorded in the Court, she had not identified Chetan Sharma to be the person to whom the vehicle had been given by her for its sale.
6. The learned counsel representing the petitioner Chetan Sharma has submitted that though the prosecution claims that the deceased Naresh

Sharma had been murdered and the accused owed an amount of more than ₹50 lacs to him but even as per the cheques allegedly collected by the police, the said motive can be attributed to co-accused Pulkit Madan only.

7. Opposing the petition, the learned State counsel has submitted that the complicity of the petitioners would be evident from the fact that it is pursuant to disclosure statements made by the accused that the dead body could be recovered. It has further been submitted that the number plates of the car of the deceased were also recovered from the accused. The learned State counsel has submitted that the wife of deceased had produced cheques worth about ₹ 50 lacs given by Pulkit Madan and that Pulkit Madan and others wanted to escape from their liability in respect of the said cheques and had murdered the deceased.
8. I have considered rival submissions addressed before this Court.
9. It is a case based of circumstantial evidence. This Court was shown the CCTV footage with the help of a mobile phone. However, this Court finds that while the car is seen in the said CCTV footage but the identity of its passengers cannot be established and they are not seen therein. Though, the police claims that Monika had given the car to Chetan Sharma for its sale but when said Monika stepped into the witness box as PW-11, she did not support the case of the prosecution as regards handing over the car to Chetan Sharma. Rather, she stated that her husband had given the car on 2.2.2020 to some known person for selling the same and categorically stated that she is still the owner of the vehicle and that she or her husband had not sold or received any consideration in respect of the car in question. She also stated

that the person who was known to her husband had come to their house and had obtained her signatures on blank form and that the said person was not present in the Court. In other words, the car stated to have been produced by Chetan Sharma cannot be connected with him as its registered owner Monika has not identified the petitioner Chetan Sharma. The petitioners, otherwise, have been behind bars for a substantial period of 2½ years and that they are not stated to be involved in any other case. In view of the aforestated discussion, further detention of the petitioners will not serve any useful purpose.

10. Both the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
11. It is, however, made clear that none of the observations made above shall be construed to be an expression on merits of the main case.

1.9.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No