

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

CRM-M No.24513 of 2021

Date of Decision: 21.02.2022

Rohit

.....Petitioner.

Versus

State of Haryana

.....Respondent.

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. Parveen Kaushik, Advocate
for the petitioner.

Ms. Ambika Sood, Addl. A.G, Haryana.
(joined through virtual mode)

MEENAKSHI I. MEHTA, J.

The petitioner herein has sought the relief of regular bail in the criminal case arising out of the FIR bearing No.0317 dated 27.08.2020 registered at Police Station I.M.T, Rohtak, District Rohtak, under Sections 302, 201, 364, 120-B, 34 IPC.

Shorn and short of unnecessary details, the allegations, as levelled by complainant Harender in the subject FIR, are that the dead body of his son named Ankit was found lying in the field near Kansala to Morkheri Road and accused Jaideep, Paramjeet, Ankit son of Naresh, Mukesh and Navdeep had killed his son by strangulating and causing injuries to him.

Reply has already been filed on behalf of the respondent-State, by way of the affidavit of the Additional Superintendent of Police, Rohtak.

I have heard learned counsel for the petitioner as well as learned State counsel in the instant petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the name of the petitioner does not find mention in the FIR and rather, he has been nominated as an accused in this case merely on the basis of the disclosure statements as alleged to have been suffered by his afore-named co-accused and moreover, he is in custody since 10.11.2020 and in these circumstances, he deserves the relief as prayed for in the present petition.

Per contra, learned State counsel argues that the petitioner is the main perpetrator of the crime as his above-said co-accused had killed the son of the complainant at his instance and keeping in view the gravity of the offence as committed by the petitioner, this petition be dismissed.

Though the name of the petitioner does not find mention in the FIR but in Para No.2 (preliminary submissions) in the Reply, it has categorically been mentioned that the co-accused of the petitioner named Jaideep, Mukesh and Paramjeet had disclosed that they had murdered Ankit at the instance of the petitioner because the victim used to tease his (petitioner's) sister and also to harass and abuse the petitioner after the death of his sister. In Para No.7 (on merits) in the Reply, it has also been specifically deposed that the Call-Details collected during the investigation reflect that the petitioner was in regular contact with his co-accused

through mobile phone and in Para No.9 therein, it has further been mentioned that the petitioner had also got the place, where he had thrown the mobile-phone used by him to communicate with his co-accused, demarcated. In these circumstances, it is explicit that the petitioner has not been roped in as an accused in this case solely on the basis of the disclosure statements as alleged to have been suffered by his co-accused. In view of the gravity of the offence as allegedly committed by the petitioner, mere period of his incarceration would not suffice at all to extend the relief of regular bail to him.

Resultantly, the petition in hand stands dismissed.

However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

February 21, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*