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

**CRM-M-36546-2020 (O&M)
Date of Decision: 09.05.2022**

Praveen

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. S.K. Panwar, Advocate,
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.313, dated 29.08.2018 under Sections 302 & 201 of the IPC (Sections 34, 420, 467, 468, 471 of the IPC and Sections 25, 54 & 59 of the Arms Act added later on), registered at Police Station Chandhut, District Palwal.

It has been submitted by learned counsel for the petitioner has submitted that the petitioner is in custody since 24.07.2018 and the charges have been framed on 02.09.2019, and thereafter, no witness has been examined. He further submitted that it is a case based upon the circumstantial evidence and the petitioner was not involved in the present case and considering the long custody of the petitioner, he may be considered for the grant of regular bail. He also submitted that only one rope was recovered from all the accused which according to the prosecution

was used for the purpose of killing the deceased before throwing him in the canal.

On the other hand, Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana has submitted that a detailed affidavit has already been filed by the Deputy Superintendent of Police, Palwal, District Palwal and while referring to the aforesaid affidavit, he submitted that it is a case where an information was received that there was a dead body lying in the distributory (Rajwaha) of Nangla Hasanpur and the dead body was floating on Delhi-Agra Canal and on the basis of a secret information, the Police arrested one co-accused Mohd. Alam, Parveen Kumar Singh @ P.K. and the present petitioner, namely, Praveen in Delhi in connection with another FIR No.165/2018 and from them, there was a recovery of country made pistol, six live cartridges, one Innova Car bearing No.HR 19H 0022, Beat Car bearing No.HR 51BF 0231, one mobile phone and various papers. During interrogation, they disclosed that they had killed their own friend, namely, Raja @ Raj Kumar by throttling him with rope near Palwal Nahar and they had thrown his dead body in the canal and in a separate information the complainant in the present case has lodged a separate report regarding missing of his son, namely, Raja @ Raj Kumar deceased.

Learned State counsel further submitted that the car which was recovered from all the accused including the petitioner by the Delhi Police belonged to the deceased Raja @ Raj Kumar and apart from that there was also a recovery of R.C., Insurance, Pollution Certificate, Aadhar Card, two affidavits in the name of the Praveen (present petitioner), which would further go into show that they had killed the aforesaid deceased Raja @ Raj

Kumar and had taken away his car along with the aforesaid documents including the affidavits which were in the name of the present petitioner and which directly connected the present petitioner along with other co-accused with the killing of deceased Raja @ Raj Kumar. He also submitted that although there has been a delay in the trial but the charges were framed on 02.09.2019 and thereafter, the witnesses were summoned and rather on 24.01.2022 the witnesses, namely, Sushil Kumar, Vicky and Seema Devi were present but they could not be examined on the request of the counsel for the accused as the co-accused Mohd. Alam and Pranav Kumar were not produced by the Jail Authority and thereafter, the production warrant for these accused were issued for 08.03.2022. He further submitted that most of the time due to Covid-19, the trial could not commence and also submitted on instructions from S.I. Ramesh that as of now, only two witnesses have been examined and the trial has now started progressing. He further submitted that the complainant is yet to be examined. Apart from the fact that the opinion of the Forensic Report is also awaited. He also submitted that in view of the aforesaid facts and circumstances, there is every likelihood that in case the present petitioner is released on bail then he may influence the witnesses or may even abscond or flee from justice and has therefore, vehemently opposed the grant of regular bail to the petitioner.

I have heard the learned counsel for the parties.

The charges were framed on 02.09.2019 and it is a case where allegedly the petitioner along with other co-accused was caught by the Delhi Police in some other case and from them there was a recovery of two cars and various documents and 2-3 country-made pistols with six live cartridges

and they had disclosed that they had killed their own friend, namely, Raja @ Raj Kumar. Some of the affidavits were also in the name of the present petitioner which were recovered from the car. The material witnesses are yet to be examined in the present case and the apprehension which has been expressed by the learned State counsel that in case the present petitioner is released on bail then he may influence the witnesses or may even abscond or flee from justice cannot be ignored in view of the facts of the present case. Therefore, considering the gravity and seriousness of the case, this Court does not deem it fit and proper to grant bail to the petitioner, consequently, finding no merit in the present petition, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

09.05.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |