

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38153-2020
Date of Decision: 08.03.2022

Ravi

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.44 dated 15.04.2019, under Sections 302/201/34/120-B IPC, registered at Police Station Rohrai, Teshil and District Rewari.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 23.04.2019 and the case is still at the prosecution evidence stage and, therefore, the petitioner may be considered for the grant of regular bail. He further submitted that it is a case where a dead body of an unknown young boy was found which was hanging with leather belt and was having deep injury on his head probably due to injuries with glass bottle and blood had also oozed out from those injuries. A

complaint was lodged by one Krishan Kumar when he was going through the fields and he informed the police. The learned counsel further submitted that the petitioner was not named in the FIR but he was nominated later on, on the basis of a disclosure statement by a co-accused namely Gopal and since disclosure statement of a co-accused is not admissible in evidence, the petitioner may be considered for the grant of regular bail. He further submitted that the petitioner is not involved in any other case and considering the custody of the petitioner, he may be granted the concession of regular bail.

On the other hand, Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana has submitted that a status report by way of affidavit has been filed by the State and while referring to the same, he submitted that it is a case where although the name of the petitioner was nominated on the basis of disclosure statement of the co-accused and the petitioner was arrested on 23.04.2019 but according to facts and circumstances of the present case the petitioner was also actively involved in the present offence. He further submitted that a dead body of an unknown young boy was found in the field which was hanged by neck with leather belt and blood was also oozing out and apart from the same, the head injuries were also suffered by the deceased and thereafter the investigation was carried out and dead body was identified of that of one Gaurav son of Kailash Chand and it was found that the deceased was in conversation with one co-accused namely Gopal and another co-accused namely Deepak and during further investigation it was found out based on their statement that the petitioner is also involved in the present offence and recovery of blood

stained clothes and the motorcycle from the other co-accused was also made. Although the main grudge was against the other co-accused namely Gopal but all the three of them had conspired to commit the murder. Furthermore, all the three accused were friends and were working in the same company. He further submitted that although out of total 28 witnesses, 4 witnesses have been examined but other material witnesses including the mother of the deceased are yet to be examined and considering the gravity of the offence, the petitioner is not entitled for the grant of regular bail.

I have heard the learned counsel for the parties.

Although the petitioner is in custody from 23.04.2019 but considering the gravity of the offence whereby a dead body of a young boy was found in the field which was hanging with leather belt and blood was also oozing out from him coupled with the fact that some of the material witnesses are yet to be examined as per the learned State counsel, this Court does not deem it fit and proper to grant bail to the petitioner.

Therefore, finding no merits 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 meant for the purpose of deciding the present petition only.

08.03.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No