

CRM-M-16906-2023
CRM-M-40047-2023

Neutral Citation No. 2023:PHHC:135230
Neutral Citation No. 2023:PHHC:135232

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved on : October 11, 2023
Date of Decision: October 17, 2023

1. CRM-M-16906-2023

Deepak ...Petitioner
Versus

State of Haryana ...Respondent

2. CRM-M-40047-2023

Amit ...Petitioner
Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: - Mr. Deepak Jindal, Advocate for
Mr. Sunil Kumar Rana, Advocate for the petitioner
in CRM-M-16906-2023.

Mr. Sudhir Rana, Advocate for the petitioner
in CRM-M-40047-2023.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. Anil Kumar Parmar, Advocate for the complainant
in CRM-M-16906-2023.

Mr. Sandeep Tanwar, Advocate for the complainant
in CRM-M-40047-2023.

DEEPAK GUPTA, J.

This order shall dispose of two petitions as above, as in both of them, prayer has been made for grant of regular bail under Section 439 Cr.P.C. in a case arising out of FIR No.768, dated 04.11.2021, under Sections 302 / 34 of IPC (Sections 201 and 404 IPC added later on), registered at Police Station Munak, District Karnal.

2. FIR was lodged on the statement of Gurnam Singh S/o Zile Singh, the brother of deceased Sanjeev Kumar @ Sandeep (deceased). According to his statement made on 04.11.2021, he (complainant) was going near the liquor vend of his village in the evening of 03.11.2021, when he noticed his brother Sanjeev Kumar @ Sandeep (deceased), along with Mohan S/o Krishan, Deepak (petitioner in CRM-M-16906-2023) S/o Inderjeet, Amit (petitioner in CRM-M-40047-2023) S/o Ajmer Singh and Vinod S/o Sultan, residents of village Kundlan, sitting near the wine shop and consuming liquor. He asked his brother to go home, but the other boys told that they will come after sometime. On 04.11.2021 at about 8 a.m., complainant received a message from Subhash that dead body of his brother Sanjeev Kumar @ Sandeep smeared with blood was lying in the tube well kotha of their fields. Complainant went to the four boys of the village, who were consuming liquor with his brother on the previous evening, but all of them were found missing. Complainant then went to the spot and found the dead body of his brother Sanjeev Kumar @ Sandeep lying inside the kotha. He suspected the role of all the four accused, i.e. Mohan, Deepak, Amit and Vinod in the murder of his brother, who after administering liquor had caused injuries on his head, resulting in his death.

3. During investigation, spot was inspected and physical evidence was collected. Postmortem examination was got conducted. Both the petitioners, namely, Deepak and Amit along with Mohan were apprehended on 05.11.2021 and were interrogated. They suffered disclosure statements, as per which when they were consuming liquor, a quarrel took place between Mohan and deceased Sanjeev Kumar @

Sandeep, at which Mohan gave slap to Sanjeev Kumar @ Sandeep and

went to road. Sanjeev Kumar @ Sandeep at that time was sitting on the earth. Mohan picked a *kassi* (spade) and hit it on the head of Sanjeev Kumar @ Sandeep. Thereafter also, Mohan gave several blows of *kassi* on the head and back of Sanjeev Kumar @ Sandeep. Deepak also joined him. Amit-co-accused was made to stand outside to keep supervision. Mohan also removed currency notes of ₹24,700/- from the pocket of Sanjeev Kumar @ Sandeep, who had expired by that time. Money was distributed amongst them and all of them left that place. Co-accused Vinod was apprehended on 11.11.2021, who also suffered disclosure statement on the similar lines. After concluding investigation, final report under Section 173 Cr.P.C. has already been filed. Charges were framed on 11.07.2022 by the Court of Sessions under Sections 202, 302 and 404/34 of IPC and one of the prosecution witnesses, namely Gurnam Singh, complainant has already been examined, who has supported the prosecution version.

4. It is contended by learned counsel appearing on behalf of both the petitioners that petitioners have been falsely implicated; that the case is dependent upon the circumstantial evidence, as there is no eye witness of the crime; that petitioners have been arraigned on the basis of suspicion only because the deceased was last seen in their company; that investigation is already complete; and that conclusion of the trial may take time and so, petitioners be allowed bail as they are in custody for the last more than 01 year and 11 months.

5. Learned State counsel has opposed both the bail petitions. Attention is drawn towards the fact that dead body was spotted in the morning of 04.11.2021 and that in the previous evening of 03.11.2021,

both the petitioners along with co-accused were seen in the company of

deceased Sanjeev Kumar @ Sandeep, while consuming liquor and that PW-1 Gurnam Singh, who lodged the complaint, has supported this version during his evidence. Learned State counsel contends that it will be for the accused to explain during trial as to how the injuries were inflicted upon the body of deceased, as deceased was in their company along with co-accused, resulting in his death. Learned State counsel has also drawn attention towards the disclosure statement suffered by the petitioners and the consequent recovery of money and weapon etc. With these submissions, prayer is made for rejecting the bail petitions.

6. I have considered submissions of both the sides and have also perused the record carefully.

7. The petitioners and co-accused are residents of the same village, to which the deceased and complainant belong and so, *prima facie*, there could be no dispute regarding their identity. It is the specific case of the prosecution that deceased was last seen in the company of the petitioners and co-accused in the evening of 03.11.2021 while consuming liquor and on the next morning i.e. 04.11.2021, his dead body was found. This is a very strong circumstance against the petitioners. Postmortem report clearly reveals the cause of death to be the head injuries as detailed in the PMR.

8. Having regard to the gravity of the offence and the role attributed to the petitioners, but without commenting anything on the merits of the case, this Court is not inclined to grant the benefit of regular bail to any of the petitioners. As such, both the petitions are dismissed.

Photocopy of this order be placed on the connected case file.

October 17, 2023

sarita

(DEEPAK GUPTA)
JUDGE