

226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40316-2023
Date of decision : 30.11.2023

SUMIT

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. N.K. Banka, Advocate
for the petitioner.

Mr. R.K. Ambavta, AAG, Haryana
with ASI Sandeep.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.0053 dated 22.03.2021 registered for the offence punishable under Section 302 of the Indian Penal Code, 1860 at Police Station Dadri Sadar, District Charkhi Dadri.

2. Contents of the FIR reads as under :

“xxx It is submitted that I, Jai Singh son of Bhani Ram, am resident of village Chappar and on account of old age I am doing rest at home. I have two sons and one daughter. The eldest one son is namely Vinod and younger to him is daughter Babli and my youngest son was Surrender. All are married. My both sons are living separately along with their families in village Chappar. Both sons have joint land. I did not mutate the land in their names till date. I executed the Will. My younger son

Surender was going to sleep everyday in the fields to take care the crops and Sumit son of Kartar was also went with him as his fields are also adjacent to our fields. Yesterday on 31.03.2021 my son Surender, aged about 36 years, went in the field at about 10:00 p.m. in the night with Sumit on motorcycle. Since my son did not reach at home and above Sumit gave a telephonic call to my elder son Vinod that Surender is dead and his dead body was on a cot lying in room constructed in the field. Upon receiving this information I and my son Vinod alongwith many persons of the village reached in the fields and checked the room and found that my son Surender was present in laid off condition in the cot and quilt (*razai*) was covered upon him. He received serious injuries on his head and was covered in blood. The bloods stained were also present on the walls, the floor beneath the cot. The information of this incident given to the police and now you come at the spot. My son Surender was very simple and he has no enmity with anyone, but inspite of this some unknown had killed my son from any dangerous weapon. As on day, I have no doubt upon anybody. After complete investigation the accused would be found out and strict legal action taken against them.xxx”

3. Counsel for the petitioner has relied upon the investigation report wherein it has been stated that it has not come in the entire investigation that the accused Sumit was last seen with deceased Surender on the day of occurrence. He further submits that so far as recovery of blood stained clothes from the present petitioner is concerned, the joint reading of disclosure statement as well as the FSL report would show that the same remained inconclusive and thus the same cannot be read to drive home the guilt of the petitioner.

4. Per contra, Mr. Ambavta submits that apart from the the blood stained clothes, iron rod was also recovered and the blood was detected on the same and he further submits that the trial is already at its fag end/ conclusive stage.

5. Having heard rival contentions of the counsels representing the parties and after carefully going through records of the case this Court does not find it to be a case for grant of regular bail to the petitioner.

6. Merely for the reason that the last seen theory has not been found to be true during investigation the same shall not enure any benefit to the present petitioner. Moreso, when there is a disclosure statement made by the present petitioner which has led to further recovery of clothes including one blue colour upper track suit and cream colour close neck t-shirt and blue colour track pant.

7. Counsel for the petitioner is right to the extent that so far as t-shirt is concerned in the disclosure the same is stated to be of cream colour whereas in the FSL report it has been stated to be greenish in colour. However, at the same time so far as blue lower stained with brownish stains and blue sweatshirt stained with brownish stains is concerned, the same has been referred to in the disclosure as blue colour upper tracksuit and blue colour track pant. Apart from that the blood stains on the upper track suit have matched. Thus, this Court does not find any reason to grant bail to the petitioner in view of aforesaid *prima facie* evidence that corroborates the

allegations. Resultantly, the present petition is dismissed.

8. Needless to say anything observed herein shall not be construed to be an expression of opinion on the merits of the case.

November 30, 2023	(Pankaj Jain)
Dpr	Judge
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No