

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

CRM-M No.56268 of 2023

Date of decision: 16th November, 2023

Gautam Das

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kuldeep Sharma, Advocates for the petitioner.

Mr. Ranvir S. Arya, Addl. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.331 dated 02.08.2019 under Sections 302, 382, 449, 34, 404 IPC registered at Police Station DLF-1 Gurugram, District Gurugram. This is the second petition filed by the petitioner.

2. On a pointed query put to the learned counsel for the petitioner as to what was the material change in circumstance, which would warrant acceptance of the instant petition after the previous one was withdrawn on 19.01.2021, he submits that as many as 11 prosecution witnesses have been examined and 10 prosecution witnesses still remain to be examined, and hence, there is no likelihood of the trial concluding in the near future.

3. On merits, it has been urged that it is a case resting on circumstantial evidence and no clear cut motive is forthcoming as to why

the murder of deceased Indera would have been committed by the petitioner. The FIR had been registered against unknown persons and there was no suspicion raised qua the involvement of the petitioner therein, much less by way of a whisper. It has been further submitted that a recovery of the gold bangles of the deceased was shown to have been effected from the petitioner; however, had it been a case of the deceased being strangled to death for committing theft of her gold jewellery, the petitioner would have ensured that he stole the other gold ornaments which she was wearing including her nose pin and gold earrings, which were found intact when the body was sent for post-mortem. Learned counsel has thus, prayed for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

4. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed that the FIR in question was registered against unknown persons, however, he submits that the motive to commit the crime in question was theft and it stood proved that all the gold jewellery, which the deceased was wearing, other than her nose pin and gold earrings, had been removed by the accused which in turn were recovered on their arrest pursuant to their disclosure statement. Learned State counsel, on further instructions, also submits that the recovered gold jewellery was also identified by the complainant, who is none other than the sister of the deceased. He has still further submitted that the CCTV camera which was installed in the vicinity of the place of occurrence, clearly revealed the

presence of both the accused at the relevant time of occurrence on the fateful day. Furthermore, the mobile call tower location of both the accused was found to be of the place of occurrence. Learned State counsel has thus, prayed for dismissal of the instant petition.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. In the facts and circumstances as enumerated hereinabove coupled with the evidence which has been led before the trial Court till now, this Court does not deem it fit to extend the concession of bail to the petitioner. The petition as such is dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. At this stage, a prayer has been made by learned counsel for the petitioner that in view of the long incarceration of the petitioner, who is in custody for more than four years now, the trial Court be directed to expedite the trial and conclude it at the earliest.

8. The trial Court shall make earnest efforts to expedite the trial and endeavour to conclude it preferably within a period of next five months from today.

(MANJARI NEHRU KAUL)
JUDGE

November 16, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No