

210 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-2747-2024
Date of decision: 2nd July, 2024

Vijay

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rakesh Gupta, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
165	11.03.2024	Shivaji Colony, District Rohtak	147, 149, 201 and 302 of IPC, 1860

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 11.03.2023, on receipt of an information at Police Station Shivaji Colony, Rohtak regarding the dead body of one unknown person found lying in the drain adjacent to fields of village Maina, a police party reached there. Efforts were made to get the same identified and on the same day, the complainant Satish along with his family members reached at the spot and identified the dead body to be that of his brother namely Yogesh @ Cheetah. He also submitted a written complaint to the police alleging therein that on 03.03.2023, a Jagran had taken place in his village and during



that period, a scuffle had taken place between the victim and Ravi @ Vicky, Bholu, Dhillu, Ajay and Saurabh, all residents of village Anwal, District Rohtak. On 07.03.2023, the victim had suddenly gone missing from the village and they had been making search for him till that date when they received information dead body being found. He raised suspicion that the victim had been murdered by the above named persons. After registration of FIR, investigation proceedings were initiated. Inquest proceedings and post mortem examination of the dead body of the victim were conducted. During investigation, the accused Ravi, Saurabh, Ajay, Rajbir @ Bholu were arrested on 14.03.2023. On interrogation, they suffered disclosure statement wherein admitting their involvement in the homicidal death of the victim and apart from the names of other assailants, they took the name of the petitioner as one of the persons who had participated in the murder of the victim and then throwing his dead body in the drain to cause disappearance of the evidence of offence. The petitioner was also arrested on the same day and he too suffered disclosure statement admitting his involvement in the crime. Investigation has since been completed and challan has been presented in the Court. The petitioner had moved an application for grant of regular bail before the Court of learned Additional Sessions Judge, Rohtak vide order dated 30.09.2023.

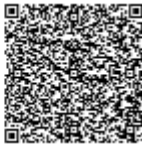
3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he was named in the FIR by the complainant and has been roped in subsequently. No eye-witness has been cited by the prosecution to show the presence of the petitioner at the time of



commission of murder of the victim. Infact, he along with the co-accused were arrested on 13.03.2023 but their disclosure statements were recorded on 14.03.2023 which clearly showed that the police had arrested him prior to recording of disclosure statement of the co-accused and falsified the entire case of the prosecution. It is further argued that he is in custody since 13.03.2023. Investigation has since been completed. Trial is likely to take time. No useful purpose would be served by keeping him in custody. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be extended benefit of bail.

4. The respondent-State has filed reply and status report. In the status report filed today, it has been clarified that the co-accused Ravi, Rajbir, Ajay and Saurabh were arrested on 12.03.2023 and during inquiry, they had named the present petitioner as co-accused and it was only on the basis of the information so given by them and that the present petitioner had been apprehended on 13.03.2023. However, since their formal disclosure statements were recorded on 14.03.2023, therefore, the name of the petitioner had been disclosed in those statements. His involvement in the subject crime had been fully established not only from his own disclosure statement but from the disclosure statement of the co-accused also. The material witnesses are yet to be examined. There are chances of petitioner's absconding, if extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record



carefully.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in the prosecution of common object of that unlawful assembly, he is alleged to have opened an attack upon the victim Yogesh on the night of occurrence and is alleged to have killed him. The allegations against the petitioner are serious and specific in nature. The fact that the disclosure statement of the co-accused and the petitioner were recorded on 14.03.2023 and not on 13.03.2023, when he was arrested do not prove that he was not involved in this case. Keeping in view the gravity of the allegations as levelled against the petitioner, quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed at this stage. Hence, the same is dismissed.

7. Since the main petition has been dismissed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

2nd July, 2024
Parveen Sharma

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