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

CRM-M-5313-2024

Date of Decision:- 08.07.2024

ISTAQ ALI @ ISHTAQ ALI

....Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

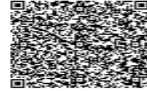
Present:- Mr. Munish Behl, Advocate for the petitioner.

Mr. Rupinder Singh Jhand, Addl. A.G. Haryana.

AMARJOT BHATTI, J. (Oral)

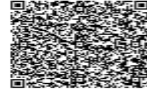
1. The petitioner – Istaq Ali @ Ishtaq Ali has filed the instant 2nd petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.206 dated 22.05.2021 (Annexure P-1) under Section 346 of IPC (Sections 366, 302, 304-B,201 and 120-B IPC added later-on and Section 346 deleted) (inadvertently Section 304-B is not mentioned in order dated 08.12.2023) registered at Police Station Saran, District Faridabad.

2. The facts of the case are that Prem Singh Negi complainant gave his statement that his daughter Kiran Negi i.e. victim aged 21 years old left the house on 21.05.2021 at about 3 pm without informing anybody and she did not return home. He and his family members tried to search her but could not find her. He suspected that his daughter has been confined somewhere and it was prayed that she may be searched. With these allegations, initially FIR was registered under Section 346 IPC. The investigation was carried out. During investigation it was transpired that



the victim was enticed away by Istaq Khan @ Ishtaq Ali. They performed marriage on 29.06.2021 in Arya Samaj Mandir Faridabad. On the same day she was admitted in Sun Shine Hospital, Sector-64, Faridabad where she expired during treatment. Istaq Khan @ Ishtaq Ali was arrested on 17.07.2021 and during further investigation the name of his companions were revealed as Israil, Mustak, Hamid, Arbaz and Vakil.

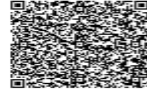
3. Learned counsel for the petitioner argued that petitioner and daughter of complainant were in love each other but their families were against their relationship. Daughter of complainant was major and educated. She left the house with her free will on 21.05.2021 and they solemnized marriage in Arya Samaj Mandir, Faridabad on 29.06.2021. Present petitioner converted into Hindu Religion. Certificate of Sudhikaran is Annexure P-2. Victim suffered from cough, fever and infection. She was taken to Sun Shine Hospital, Faridabad. However, during treatment she died. In the case before Juvenile Justice Board, statements of Doctor Jitender Kaushik and Doctor Surendra Kumar Meena have been recorded which are Annexure P-3 and P-4. Statement of Krishan Sarang is Annexure P-5. It is not a case of unnatural death. Statements of Naveen Singh Negi and Prem Singh Negi are recorded before the trial Court which are Annexures P-6 and P-7. Death summary is Annexure P-8. Chargesheet in this case was framed on 10.05.2023 and till date only two witnesses have been examined. Now application has been filed under Section 319 Cr.P.C. which is pending for consideration. Petitioner is behind the bars since 17.07.2021. Other co-accused Mustak Khan and Hamid were granted regular bail vide order dated 30.11.2021 (Annexure P-9). Israil and Arbaz Khan has been granted bail vide order dated 07.12.2021 (Annexure P-10)



whereas juvenile was granted bail on 20.10.2021. Present petitioner will abide by the terms of bail order. It is prayed that his second bail application may be allowed.

4. Bail application is opposed by learned counsel representing the State. Status report has been filed along with custody certificate. In the detailed status report, it is pointed out that as per the disclosure statement dead body of victim was thrown in Agra Canal, Chandawali. Disclosure statement of Ishtaq Ali is Annexure R-1. Dead body of the victim could not be located despite best efforts. During investigation DVR containing CCTV footage showing the presence of accused and presence of victim while she was admitted in the Hospital was taken into police possession. DVR of Camera installed in the hospital was seized and was taken into police possession. As per DITAC report, no record regarding footage/Data was available. It was reported that data of DVR is over written. As per the status report, present petitioner is the main accused. Considering the gravity of offence, he is not entitled to be released on regular bail.

5. I have considered the facts pointed out by learned counsel for the petitioner as well as detailed status report. It is matter of record that earlier regular bail of Ishtaq Ali was declined by this Court in CRM-M-12343-2022 vide order dated 11.01.2023 (Annexure P-12). In order to justify second regular bail it was pointed out that petitioner is behind the bars since 17.07.2021 and at present application has been filed under Section 319 Cr.P.C. which is pending for disposal. I have considered this aspect of the case. It cannot be ignored that victim was in the company of present petitioner. Admittedly she was brought to Sun Shine Hospital. As per death summary (Annexure P-8) she was brought at about 12.20 pm on



29.06.2021. She was declared dead at 10.10 pm and was discharged on the same day at 10.30 pm. During investigation DVR containing CCTV footage was procured and the same was examined by the Officer of Cyber Cell and Investigation Officer. As per the report of Cyber Cell (Annexure R-2) data of DVR was over written data. Apart from this, body of the victim could not be recovered which was allegedly thrown in Agra Canal Chandawali. There are specific serious allegations against the present petitioner. His bail application is on different footing as compared to the other co-accused who are granted bail as referred above.

6. Considering the aforesaid facts and without expressing my mind on merits, I do not find a fit case for regular bail and the same is, accordingly, declined.

7. Pending application (s), if any, also stands disposed of.

08.07.2024

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No