



CRM-M-9124-2024

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

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CRM-M-9124-2024

Date of decision: 5th September, 2024

Amit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. V.P. Sangwan, 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. by the petitioner seeking grant of regular bail in case bearing FIR No. 263 dated 23.08.2023 registered under Sections 302 read with Section 34 of IPC, 1860 (Sections 120, 120-B and 34 of IPC deleted and Section 324 of IPC added during investigation) at Police Station Kalayat, District Kaithal.

2. As per the prosecution case, on 23.08.2023, on receipt of a telephonic information at the Police Station Kalayat regarding death of one Sanjay resident of village Shimla having taken place due to hanging, a police party headed by SHO Rohtash reached at the place of occurrence wherein the complainant Sumit recorded his statement that the victim was married with one Reenu. There was matrimonial discord between them and on



18.08.2023, she had left her home. When the victim had gone to the parental house of his wife, he was accused of extending beatings to her. Then a Panchayat was convened but the victim was insulted by his father-in-law and his wife had also proclaimed that she would not live with him and she pressurized her to give her money and she wanted to take divorce from him. He alleged that on the intervening night of 22/23.08.2023 at about 11:30/11:45 PM, three persons had come in a creta vehicle bearing registration No. HR-16U-2327 and left after two hours. In the next morning, the dead body of the victim was found hanging. He raised suspicion that Reenu wife of the victim and her family members had a hand in the same.

3. After registration of FIR, investigation proceedings were initiated. Post mortem examination of dead body was conducted. During investigation, it was revealed that creta car bearing registration No. HR-16U-2327 was registered in the name of one Surinder Singh and was used by his nephew Sujjal Rathore. On collecting material as to Call Detail Record of accused Sujal Rathore, it was found that he was in contact with the present petitioner and co-accused Mehak Yadav and Muskan Batra. The co-accused Sujal Rathore and Divesh were arrested on 25.08.2023. They were interrogated and suffered disclosure statements to the effect that Divesh was having homo sexual relations with victim Sanjay from quite some time. He had been extracting money by blackmailing him by extending threats to make his intimate and objectionable videos viral. They disclosed that as the victim had refused to pay money to accused Divesh on the fateful day, therefore, he was murdered and then was hanged from the fan. They also



disclosed about the involvement of the petitioner in the murder of the victim.

4. As per the further allegations, the petitioner was arrested on 28.08.2023. He too suffered disclosure statement admitting his involvement in the subject crime and demarcated the place of occurrence. The co-accused were also arrested subsequently. Investigation has since been completed. The petitioner had moved an application for grant of regular bail before the learned Additional Sessions Judge, Kaithal which was dismissed vide order dated 24.01.2024.

5. It is argued by the learned counsel for the petitioner that he has been falsely implicated in this case on the disclosure statement of the co-accused. He had neither any motive to kill the victim nor he had ever remained in contact with him. Infact, it was on the asking of the co-accused Divesh that he along with the other accused had gone to village Shimla i.e. the village of the victim. It was only the accused Divesh who was with the deceased at the time of occurrence, whereas the petitioner and co-accused Sujal, Mehak and Muskan were in some other room. The CCTV camera footage collected by investigating agency showed that the accused Divesh did not return back with them. There is no evidence to connect him with the murder of the victim and or even hatching any conspiracy with the co-accused for causing death of the victim. The disclosure statements of co-accused cannot be considered to be admissible against him. He was a student and of young age. The trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. He has been charge sheeted only for commission of offence punishable under Section 120-B of IPC and



not with the offence of murder of the victim. With these broad submissions, it is urged that the petitioner deserves to be given concession of bail.

6. Status report has been filed by respondent-State. It is submitted therein and learned State counsel has strenuously argued that in pursuance of a conspiracy which was hatched between the accused Divesh, the petitioner and the co-accused, beatings were extended to the victim on the night of occurrence and he was murdered and thereafter, his body was hanged from a fan. It is argued that the presence of the petitioner at the place of occurrence at the relevant time has been established from the evidence collected during the course of investigation. The trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion of the same. Therefore, it is argued that the petition does not deserve to be allowed.

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

8. The accused Divesh is alleged to have hatched a conspiracy with the petitioner and the other accused and in pursuance of that conspiracy, the petitioner and co-accused are alleged to have assaulted the victim to that extent that he had died and thereafter his dead body was hanged from a fan. The trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion of the same. Burn marks were also found on the body of the victim which are also suggestive of his homicidal death. Admittedly, the petitioner along with co-accused had gone to the



home of the victim on the night of his murder and left late alongwith two co-accused. The allegations against him are serious in nature. Keeping in view the gravity of the allegations, the 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 thereof, I am of the considered opinion that the petition does not deserve to be allowed at this stage. Hence, the same is dismissed.

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

[MANISHA BATRA]
JUDGE

5th September, 2024
Parveen Sharma

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