



CRM-M-13838-2024

-1-

221

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

CRM-M-13838-2024

Date of Decision:- 04.12.2024

Ajay Kumar

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Ms. Kiran Bala Jain, Advocate with
Ms. Zara Khan, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

AMARJOT BHATTI, J. (Oral)

1. Petitioner Ajay Kumar has filed petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 52 dated 11.02.2023 under Section 302, 120-B and 201 of IPC, registered at Police Station Mullana, District Ambala.

2. As per the facts of case, complainant Surjan Singh gave his statement that his son Naveen Kumar was doing business of DJ. He was married and having a son age about 5 years. On 11.02.2023, he alongwith his family members had gone to attend a marriage and returned home at 04:00 PM. After reaching home, he inquired from Manjit Kaur wife of Naveen about the whereabouts of Naveen. She disclosed that he had left house after some time when family had gone to attend marriage and thereafter, he did not return home. After some time, he received call from his brother-in-law Ramesh Kumar that near the boundary of village Khara



CRM-M-13838-2024 -2-

in a park, dead body of Naveen Kumar was lying in injured condition. Dead body was kept in mortuary and matter was reported to police and investigation was carried out.

After investigation, challan was presented against Shubham, Ajay and Prince Kumar, who are facing trial in said case.

3. Learned counsel for petitioner argued that petitioner is behind the bars since 13.02.2023. Till date, prosecution has examined as many as eight witnesses and their statements are placed on record as Annexure P-4 to P-11. It is pointed out that dead body of Naveen Kumar was recovered from a park. Petitioner is not named in FIR. From the testimonies of witnesses examined by the Court, no specific role is attributed to petitioner. No incriminating article was recovered from Ajay. Therefore, considering the long custody of petitioner, he may be granted regular bail.

4. Bail petition is opposed by learned counsel representing State. Detailed status report has been filed. It is argued that present petitioner is main accused who had enmity with Naveen Kumar. He hired co-accused Shubham and Prince Kumar to murder Naveen Kumar. In that connection, Ajay had given ₹50,000/- to hire persons in advance. They are connected with crime through mobile phone used by them to communicate with each other. Infact, it was Ajay Kumar, who was having enmity with Naveen Kumar and co-accused had called Naveen Kumar on the pretext that some DJ function was to be booked and there he was murdered. Therefore, considering the gravity of offence, he is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record carefully. Statements of witnesses recorded during trial are

**CRM-M-13838-2024****-3-**

Annexure P-4 to P-11. Statement of complainant Surjan Singh has been recorded as PW-2. He has confirmed enmity of present petitioner with his son Naveen Kumar. Facts of the case indicate that dead body of Naveen Kumar was recovered from a park. Present complainant Surjan Singh was not eye-witness. Therefore, prosecution is to prove its case on the basis of circumstantial evidence including alleged use of mobile phone by accused persons to murder Naveen Kumar. At this stage, it will not be appropriate to give any definite finding on the testimony of witnesses recorded during trial. It is for trial Court to appreciate entire evidence led by prosecution as well as defence of accused persons. Considering the alleged role of petitioner and the manner in which it has been committed, I do not find a fit case for grant of regular bail to petitioner Ajay Kumar and same is accordingly, dismissed.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

04.12.2024

*lalit***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No