

2024.PHHC.068700



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

CRM-M-15868-2024
Decided on:-15.05.2024

ArjunPetitioner..

vs.

State of HaryanaRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Mahir Sood, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Lajpat Rai Sharma, Advocate,
for the complainant.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial in case FIR No.240 dated 05.06.2023, registered under Section 346 IPC (deleted later on) Sections 302, 201 and 120-B IPC (added later on) at Police Station Tehsil Camp, District Panipat, wherein, the petitioner has been implicated along with others against the alleged murder of deceased-Fakre Alam @ Munna.

2. Learned counsel for the petitioner submits that in the FIR as well as during investigation, no role has been attributed to the petitioner in the murder of deceased-Fakre Alam @ Munna and his implication is only in

terms of Section 201 IPC as he assisted his accomplices in disposing of the body of the deceased and thus, considering his custody of 11 months and the fact that investigation already stands concluded with the filing of challan, no useful purpose will be served in keeping the petitioner behind the bars.

3. On the other hand, prayer made herein has been opposed at the instance of learned State counsel assisted by Mr. Lajpat Rai Sharma, Advocate representing the complainant while submitting that the petitioner was actively involved in the sequence of events in disposal of the body of the deceased as he along with two others namely, Ankit and Ajay Kumar took the body of the deceased to the forest of Uttarakhand for its disposal.

Learned State counsel while referring to status report specifically points out towards pages 19 and 20 thereof, wherein, the petitioner was clearly visible while purchasing petrol and chemical from near the place where dead body of Fakre Alam @ Munna was disposed of. He also points out that there was frequent call detail record between Ankit and the petitioner and even the antecedents of the petitioner were not clean as he was also involved in one more case under the provisions of 302 IPC, though on bail and thus, he prays for dismissal of the present petition.

4. I have heard learned counsel for the parties and gone through the paper book. I am unable to find substance in the submissions made on behalf of the petitioner.

5. In the present case, as per investigation, the petitioner was found actively involved in the incident. From the material collected by the investigating team, the involvement of petitioner in the disposal of the extremely useful material evidence i.e. the dead body of the deceased was

more than apparent as he was clearly visible in the CCTV footage near the place where the dead body of Fakre Alam @ Munna was disposed of i.e. in the forest of Uttrakhand, while purchasing petrol as well as chemical for it. The participation of the petitioner in the incident in hand is an act of continuance towards sequence of facts forming part of murder and disposal of the dead body. Thus, considering the nature and gravity of offence, besides the custody period, which is only of 09 months as well as the antecedents of the petitioner, who is stated to be involved in one more case under the provisions of 302 IPC, in the humble opinion of this Court, the petitioner does not deserve the concession of regular bail, at this stage.

6. In view of the discussion made herein above, the present petition is thus, dismissed being devoid of merits.

15.05.2024
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(HARKESH MANUJA)
JUDGE

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