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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-25295-2024
Date of Decision: 21.10.2024

Parveen

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:-. Mr. Sanjiv Sheoran, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG Haryana

Mr. L.K. Narang, Advocate
for the complainant

KIRTI SINGH, J.(Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.269 dated 24.07.2020, under Sections 201, 302, 365, 34 IPC (Sections 364 and 120-B IPC added later on) registered at Police Station Arya Nagar, District Rohtak, Haryana.

2. The above-mentioned FIR was got registered on the basis of complaint made by Narender son of Mahbir resident of village Ramkali, District Jind. The contents of the FIR are reproduced herein below :-

"Stated that I am the resident of abovesaid address and I am a Farmer. Today my brother Virender s/o Dilbag caste Jat r/o Kheri Meham came Rohtak court for his bail 10.00 AM. At about that time 6-7 persons came and kidnapped my brother Virender by



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keeping him in their Sumo No.HR-58. On receipt of this information me and Deepak s/o Balwan, caste Makdoli and Vijay s/o caste Khatik investigation and we came Satbir, r/o Jat r/o Sher Singh, Meham came and was made by ourselves to know that Nanha s/o Gokul, Sunil s/o Rajkumar alias Baggi s/o Dulichand, Dharambir s/o Suresh, Vijay s/o Raja, s/o Bhagat brought courtyard by Parveen from him keeping in the their abovesaid vehicle whose driver is Ajay s/o Ranbir, who have kidnapped my brother Virender and killed him and with intention to destroy the evidence they thrown away the dead body on the passage on the side of fields of village Samad. Legal action may kindly be taken against the abovesaid accused. The reason of grudge is a land dispute. Sd/ Narender Mahabir, village Ramkali, Jind, Nobile No.8607343254 dated 24.07.2020, Police Proceedings: Today I SHO Bhagwan No.670, ASI Ramniwas No.1186, HC Krishan No.1902, Constable Praveen 2190 were present at PGI Rohtak for VIP Duty. An information was received that a man has been kidnapped from the court, Rohtak. information staff in I govt. On receipt inspector this alongwith vehicle HR-030-7041 arrived at Rohtak Court. From where after receiving the information. arrived at Jind Road, Goal Chakkar outer bye-pass for searching of the accused. Narender s/o Mahabir ro Ramkali, District Jind met me there and he gave me complaint. From the contents of the complaint of victim. offence u/s 365/602/201/34 IPC was made out. The ruqa is being sent to Police station through C Praveen 2190, After registration of case, number of the case be informed to me. Special report of the case be sent to the higher officials. FSL team be sent to on at the spot. I, Inspector alongwith staff is present at the spot. Today- outer bypass Jind Road Chowk Rohtak. Attested INSP Jai Narayan, PS Arya Nagar, Rohtak, dated 24.07.2020 at 04.30 PM. Today in Police Station: On receipt of the ruqa, case FIR No.269 dated 24.07.2020 u/s 265/302/201/34 IPC, PS Arya Nagar, Rohtak was registered, computer copy of FIR was prepared as per rule, the special report of the case is sending through Email Id (Gmail ID) to



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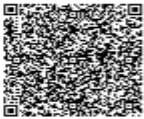
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the illaqa Magistrate Sahib Rohtak, SP Sahib District Rohtak, DSP Sahib Rohtak. The abovesaid case has been registered by the code of SHO Sahib in the presence of SI Rohtak 1044/Rohtak. Original copy of the FIR alongwith original ruqa is being to the investigating office at the spot through the Constable who brought it. SHO Sahib was informed telephonically."

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case and he has not been named in the FIR. The petitioner was arrested on 29.07.2020 and since then he is in judicial custody. Learned counsel further submits that there are three more cases registered against the petitioner but he has been acquitted in all cases.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. As per the custody certificate, the petitioner has undergone actual custody of 04 years, 02 months and 18 days and there are three more cases registered against him in which he has been acquitted. Learned State counsel on instructions submits that the charges in the present case were framed on 01.12.2023 and out of 38 prosecution witnesses, 02 prosecution witnesses have been examined.

5. Learned State counsel has placed reliance upon reply dated 22.09.2024 wherein it has been stated that role of the petitioner in the offence is that he alongwith co-accused had abducted the deceased and killed him and to this effect CCTV footage was collected by the police in which it is clearly seen that the petitioner alongwith co-accused were taking away the deceased after abducting him and on the basis of disclosure statement of petitioner, purse of deceased was recovered from him. It is further stated that role of the petitioner is same as the



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co-accused had abducted the deceased and killed him in a pre-planned manner. However, no recovery had been effected from co-accused Sanjay but recovery of purse had been effected from the petitioner. It is further stated that vide order dated 18.01.2024 passed in CRM-M-34488-2023, regular bail petition of the co-accused Sanjay was dismissed.

6. Heard the rival submissions made by learned counsel for the parties.
7. The petitioner has undergone actual custody of 04 years, 02 months and 18 days. There are serious allegations levelled against the petitioner. He was one of the persons, who kidnapped the deceased from the Court complex and later on killed him and a CCTV footage is on record which establishes involvement of the petitioner in alleged offence. This Court had also dismissed the bail petition of the co-accused Sanjay vide order dated 18.01.2024 passed in CRM-M-34488-2023.
8. Having regard to overall circumstances as noted above, but without commenting anything further on merits of the case, this Court is not inclined to grant regular bail to the petitioner.
9. The petition is dismissed.

21.10.2024

(KIRTI SINGH)
JUDGE

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