



CRM-M-25998-2024

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

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CRM-M-25998-2024

Date of decision: 16th October, 2024

Kailash Chander @ Sheru

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Mohit, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 618 dated 31.10.2023 registered under Section 302 of IPC (Sections 201 read with Section 34 of IPC added later on) at Police Station Adampur, District Hisar (Haryana).

2. Adumbrated facts as emanating from the record are that on 31.10.2023, on receipt of an information by the police regarding one dead body having been found in village Modha Khera, a police party had rushed to the spot, wherein the complainant Subhash Chander was found present who recorded his statement to the effect that the deceased-Inder Raj was his father who had gone to take walk on the previous evening but did not return home. He had made call to his father but his mobile phone was found to be



switched off. He could only find his dead body lying in a drain in the next morning. On his statement, FIR was registered. Inquest proceedings and post-mortem examination of dead body was conducted. On 03.11.2023, the complainant recorded a supplementary statement to the effect that his father was having financial transactions with Sahab Ram, a co-villager and some money was to be paid by said Sahab Ram. They had gone to the said Sahab Ram to make inquiry and his wife Bhago Devi had disclosed that on the fateful evening, the deceased had visited her house and at that time, an altercation had taken place between the deceased and Bhago Devi. Her son Monu, Sandeep Kumar and the present petitioner who are relatives of Bhago Devi were also present at that time. He also disclosed that all of them had killed his father by laying him on a cot kept in the *chaubara* of their house and his father had died due to asphyxia as his mouth was pressed with a pillow by the petitioner and co-accused. The petitioner and co-accused were arrested. They suffered disclosure statements, admitting their involvement in the homicidal death of the victim. The petitioner got recovered a sum of Rs. 4000/- taken from the pocket of the deceased-Inder Raj, whereas the co-accused Monu got recovered a pillow used at the time of the crime. Investigation has since been completed and the petitioner along with the co-accused is facing trial for commission of the aforementioned offences. He had moved an application for grant of regular bail, which was dismissed by the Court of learned Additional Sessions Judge, Hisar vide order dated 05.04.2024.



grounds and it is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused. The complainant was not an eye-witness to the occurrence. The petitioner had not been named in the FIR. He had no motive of eliminate the victim. Infact, one strip of manforce tablet had been recovered from the shirt worn by the deceased from which one tablet was missing. No incriminating article has been recovered from the petitioner. The call detail record of the petitioner was obtained during the investigation which revealed his location to be at Gujrat during the period from 26.10.2023 to 01.11.2023. There is no eye-witness to the occurrence. The petitioner is in custody since 03.11.2023. The chemical examination report has not been received so far. No definite cause of death has been ascertained during post-mortem. The trial is likely to take time as not even a single witness of the prosecution has been examined so far. His further detention would not serve any useful purpose. Therefore, it is urged that he deserves to be released on bail. To fortify his arguments, learned counsel for the petitioner has relied upon decision of this Court in case '*Jarnail Singh @ Jilla Vs. State of Punjab, 2023(1) RCR(Criminal) 230*'.

4. Status report has been filed by the respondent-State. It is submitted therein and it is argued by learned State counsel that there are specific allegations against the petitioner. The petitioner and the co-accused had an altercation with the deceased when the latter had gone to the house of accused Bhago Devi on the fateful evening and he along with co-accused had killed the victim by pressing his mouth with a pillow. Marks of struggle

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in the form of several injuries were found on the dead body of the victim. These injuries matched with the one as narrated in the disclosure statement of the petitioner himself. The petitioner is alleged to have caught hold both of the hands of the victim, whereas the co-accused Monu had caught hold of both of his legs when co-accused Sandeep covered the mouth of the victim with a pillow. The trial might be expedited. There is nothing on record to show that there would be any undue delay in conclusion of the same. Therefore, it is urged that the petition does not deserve to be allowed.

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

6. The petitioner along with the co-accused is alleged to have entered into an altercation with the deceased Inder Raj when he had visited the house of co-accused Bhago Devi on the evening of 30.10.2023, in his presence and is further alleged to have participated in the act of causing death of the victim by catching hold of his arms when one of the co-accused caught hold legs of the victim, whereas another pressed his mouth with a pillow. The victim is shown to have died unnatural death. Chemical examination report is still awaited. No doubt, no definite cause of death has been mentioned in the post-mortem report, however, still, it can be inferred that the victim has not died a natural death. The allegations against the petitioner are serious in nature. The trial has commenced. At this stage, there is nothing on record to show that there would be any undue delay in conclusion of the same. Keeping in view the nature of the allegations as



levelled against the petitioner, 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. Accordingly, the same is dismissed.

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

[MANISHA BATRA]
JUDGE

16th October, 2024

Parveen Sharma

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