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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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1. CRM-M No.30253 of 2023 (O&M)

Geeta Rani ... Petitioner

Versus

State of Punjab ... Respondent

2. CRM-M No.30818 of 2023 (O&M)

Yogesh Kumar @ Jogesh Kumar ... Petitioner

Versus

State of Punjab ... Respondent

Date of Decision: 01.08.2024

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ramnish Puri, Advocate,
for the petitioner(s).

Mr. Amandeep Singh Samra, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. This common order shall dispose of the aforesaid two petitions i.e. CRM-M No.30253 of 2023 titled as *Geeta Rani v. State of Punjab* & CRM-M No.30818 of 2023 titled as *Yogesh Kumar @ Jogesh Kumar v. State of Punjab*.

2. The present petitions have been filed by both the petitioners

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seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
53	31.03.2022	Division 3, District Police Commissionerate Ludhiana	302 read with 34 of IPC

3. Brief facts of the case relevant for the purpose of disposal of the present petition are that on the intervening night of 25/26.03.2022 on receiving of an information regarding the death of one Prem Kumar having taken place and his dead body lying in the mortuary of Civil Hospital, Ludhiana, a police party headed by ASI Surjit Singh had reached at the hospital wherein the petitioner Geeta Rani wife of the victim Prem Singh recorded her statement that her husband was addicted to liquor. Frequent quarrels used to take place between them as he used to seek money to sustain his addiction but she refused to provide the same. She further recorded that on the evening of 25.03.2022 at about 6 PM, the victim had reached home in an intoxicated state and arguments had taken place between them, when she denied giving money to him. She stated that he had then came out of the house and sat at the main gate and eventually lost consciousness. She further stated that when she tried to wake him up, she realized that he had died. On the basis of her statement, entry in the DDR was made. Inquest proceedings were conducted. The dead body of the victim was sent for postmortem examination and the report revealed that the cause of death was sustaining of four injuries one of which was described as spindle sharpened stab wound on the left side of the chest. A ruqqa was sent to the police station for registration of a case under Section 302 of IPC.

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Investigation proceedings were initiated. Footages from the CCTV camera installed in the vicinity had been collected and on receiving CCTV footage from camera of one Arvinder Kumar residing in the neighbourhood of the victim that on the evening of 25.03.2022, the victim was seen being pushed out of his house. The investigation further revealed the fact that the petitioners were present inside the house when the victim was pushed out and was subsequently found to be dead. They were nominated as accused and were arrested.

4. As per the further allegations, the petitioner-Yogesh Kumar suffered a disclosure statement to the effect that on the evening of 25.03.2022 an altercation had taken place between the deceased and the petitioners on their refusal to provide money to the deceased and on the instigation of the petitioner-Geeta Rani, he had attacked the victim with a cloth scissor by striking a blow with the same on the left side of the chest and thereafter, to conceal their acts, they had pushed the body of the victim out of the main gate. The scissor used in the occurrence was recovered at the instance of the petitioner-Yogesh Kumar. The petitioner-Geeta Rani was also arrested. The investigation has since been completed. Challan has been presented and both the petitioners are facing trial for commission of offence punishable under Section 302 read with Section 34 of IPC. They had jointly moved an application for grant of regular bail before the learned trial Court which was dismissed vide order dated 15.05.2023.

5. It is argued by learned counsel for the petitioners that they have

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been falsely implicated in this case. The inquest proceedings revealed that the death of the victim was caused due to consumption of drugs and there was no mention about any cut or injury being found on the dead body of the victim. The entries in the inquest report had subsequently been tampered with. The material witnesses namely, PW-6 Bablu, PW-7 Bunty and PW-8 Arvinder Kumar have since been examined and neither of them have supported the prosecution version. All these witnesses have been declared hostile and from their statements, no incriminating evidence against the petitioners could be extracted. It is argued that the trial is likely to take time. There is no direct incriminating evidence against the petitioners on record and they have been implicated on the basis of circumstantial evidence which too has not been established. It is, therefore, urged that they deserve to be extended benefit of regular bail.

6. Per contra, learned State counsel has argued that there are specific and serious allegations that in furtherance of common intention of both the petitioners, the petitioner-Yogesh Kumar had struck a blow with a cloth scissor on the left side of chest of the victim which resulted into his death. The dead body of the victim was found lying outside his house. The CCTV camera footage proved that the victim was being thrown out of his house and at that time, the petitioners were present inside their house. From this, it can be reasonably presumed that they were the persons who had caused injuries to the victim thereby causing his death. It is argued that the trial is going at a fast pace. The allegations against the petitioners are serious

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in nature. Simply because some of the witnesses have turned hostile, no ground has been made out to extend benefit of bail to the petitioners. Therefore, it is argued that the petition does not deserve to be allowed.

7. I have heard learned counsel for both the parties and have gone through the record carefully.

8. On a perusal of statements of PW-6 and PW-7, copies of which had been produced on record, it is revealed that they did not support the prosecution version and did not implicate the petitioners in the commission of act of causing injuries to the victim. Similarly, PW-8 Arvinder Kumar who had allegedly handed over footage of the CCTV camera installed in his house along with certificate under Section 65-B of Evidence Act to the police, also did not support the prosecution version that the occurrence was recorded in the CCTV camera installed outside his house or that his DVR was taken into possession by the police or that he had issued certificate under Section 65-B of Evidence Act. However, the fact remains that the dead body of the victim who is proved to have died a homicidal death, was found lying outside his house. The petitioners are the best persons to explain circumstances under which the homicidal death had taken place. They have failed to explain the same during the course of investigation. There are other circumstances relied upon by the prosecution qua which evidence is yet to be led. As such, on the basis of statements of PW-6 to PW-8 it cannot be assumed that the petitioners were not involved in the subject crime. With regard to the argument that in the inquest report the cause of death was

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mentioned as consumption of drugs and that entry had been tampered with subsequently, this fact be considered and adjudicated upon by learned trial Court only upon thorough assessment and evaluation of the evidence by the trial Court and this Court while deciding the plea of petitioner for grant of bail is not expected to go into that question at this stage especially when the postmortem report prepared on the same day shows the cause of death due to the stab wound and not consumption of drugs. The allegations against them are serious in nature. Keeping in view the gravity of the same, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on merits on the case, I am of the considered opinion that the petitions do not deserve to be allowed. Hence, the both the petitions are dismissed.

9. Miscellaneous application(s), if any, also stand disposed of.

01.08.2024
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(MANISHA BATRA)
JUDGE

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