

2024:PHHC:132009



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-31151 of 2024
Date of Decision: 24.09.2024

Udit Mittal		...Petitioner
	Versus	
State of Haryana		... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Kapil Aggarwal, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Rahul Rathore, Advocate
for respondent No. 2/complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.426 dated 18.06.2023 registered under Sections 302 and 506 of IPC (Sections 212 and 216 IPC added later on) at Police Station Chandni Bagh, District Panipat.
2. The FIR in the present case was registered on the basis of the statement made by Karan Jindal son of Satish Jindal. As per the complainant, his father had dealings with Udit Mittal, petitioner. His

father has told him that Udit Mittal had been calling him for the many days and threatening him and was also mounting pressure on him. On 17.06.2023 also, several calls were made by Udit Mittal from his mobile phone on the mobile number of his father and he was repeatedly asking his father to meet him immediately. In the evening on 17.06.2023, his father took meals and went to meet Udit Mittal on his scooty bearing registration No. HR-06-AU-7032. When his father did not return for a long time, he made a phone call to his father from the mobile of his brother Prince. His father was extremely frightened and perplexed and told him that Udit Mittal had abused him and had threatened to kill him. His father also told that he had left home on his scooty and Udit Mittal also turning his car so as to run over him. On hearing this, the complainant also left his house immediately on his scooty and saw on the road that Innova Car bearing No. HR-06BC-9643 was coming at a very high speed and had intentionally run over his father from the backside and due to this, the neck of his father got detached from his body and he succumbed to the injuries at the spot. Udit Mittal came out of the car and stated that he had taught a lesson to Satish Kumar for not obeying him and on finding an opportunity, Udit Mittal fled away from the spot. The complainant lost his senses on seeing the dead body of his father and become unconscious. Udit Mittal had deliberately run over the car on his father to commit his murder and the complainant prayed for legal

action against him. With these broad allegations, the FIR was got registered by the complainant in the present case.

3. Learned counsel for the petitioner contends that Mrs. Usha Rani wife of Satish Kumar had agreed to sell House No. 792, Sector 25, Part 2, Panipat to the petitioner vide agreement to sell dated 06.10.2022 for a sum of Rs. 2.80 crores. The petitioner had paid an amount of Rs. 2.20 crores upto March 2023 towards the sale consideration and the last date for registration of the sale deed was 01.02.2023. However, the sale deed could not be executed because of the objection raised by the Estate Officer, HSVP, Panipat. In fact the seller was having occupation certificate only for ground floor and the occupation certificate was not obtained for the first floor and the second floor. Due to this, there was a dispute between the parties. On 17.06.2023, the Innova car of the petitioner had hit the scooty of Satish Kumar, since deceased, which resulted in his death. However, it was a case of a road side accident and has been wrongly projected as a case of murder. Learned counsel further submits that even the road was full of potholes and it was impossible to drive the vehicle at a very high speed. The FIR in the present case was got registered by the complainant only to pressurize the petitioner, so that he may not ask the complainant side to return the amount of Rs. 2.20 crores. The petitioner was arrested in the present case on 24.06.2023 and now the case is listed for recording of prosecution evidence. Since, the

prosecution has relied upon 37 witnesses, the conclusion of the trial may take quite a long time.

4. On the other hand, learned State counsel assisted by the learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that it is a case of eye witness account, where the complainant had seen the petitioner hitting his father intentionally. The petitioner, who was inimical towards Satish Kumar, since deceased, had run over his car and due to the injuries, Satish Kumar had died at the spot. Even, due to the act of the petitioner, the neck of Satish Kumar got detached from his body. Thus, the petitioner had killed Satish Kumar in a brutal manner and he was not entitled to the concession of bail.

5. I have heard the rival contentions made by learned counsel for the parties and perused the record carefully.

6. In the present case, admittedly, the prosecution has levelled the allegations that the petitioner had killed Satish Kumar by hitting his car with the scooty of the deceased. Even, the issue whether the petitioner had intentionally caused the murder of Satish Kumar or Satish Kumar died in a road side accident by negligence of the petitioner, shall be decided only during the course of the trial. Moreover, the trial formally is at nascent stage and keeping in view

the gravity of the offence, the petitioner is not entitled to the concession of bail.

7. The petition is meritless and is ordered to be dismissed.

24.09.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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