



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

Date of decision: 16.09.2024

...Petitioner

Versus

....Respondent

CORAM: HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Baljeet Beniwal, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

AMARJOT BHATTI, J (Oral):

1. Petitioner-Krishan Kumar has filed third petition under Section 439 for grant of regular bail in FIR No.487, dated 25.07.2015, under Section 365 IPC (Sections 148, 149, 302, 435, 365, 120-B, and 201 of IPC and Section 25 of Arms Act, 1959 were added later on) registered at Police Station Sadar Palwal, District Palwal.

2. Brief facts of the case are Tejpal-complainant gave his statement that on 24.07.2015 at about 8 a.m. his elder son Vinod aged about 29 years had gone for his duty in Delhi in his car make Etios bearing No. HR50D-2455. At about 3.00 p.m. in the evening he had talk with his son that he had reached Palwal. His son did not reach home. They tried to search him all over the places but could not find him. His mobile Nos. 9718078000 and 9467942860 are also switched off. Therefore, he suspected that somebody kidnapped his son. He further stated that they are

having rivalry with Dharam Pal and his brother-in-law Rocky. With these



allegations the present FIR was registered.

During the course of investigation half burnt dead body was recovered in the area of village Mangera and Bati near the road. The investigation was carried out and after completion of investigation, challan was prepared.

4. Learned counsel for the petitioner pointed out that earlier he was declared proclaimed offender and was arrested on 13.04.2020. Other accused faced trial, copy of judgment in Sessions Case No.35/2015 decided on 31.03.2018 is Annexure P-1. Earlier he had filed two regular bail applications bearing No. CRM-M-39583-2020 and CRM-M-25487-2023, both were dismissed as withdrawn as per orders dated 08.02.2022 and 26.07.2023 respectively. It is argued that present petitioner has been falsely implicated in this case. Charge sheet has been framed and conclusion of prosecution evidence is going to take long time. He is ready to abide by the terms of bail order. Therefore, his regular bail application may be allowed.

5. Bail application is opposed by learned counsel representing State while filing status report as well as custody certificate, the same is taken on record. It is argued that present petitioner was evading arrest and he was declared as proclaimed offender vide order dated 16.03.2016. Copy of said order as Annexure R-1. Later on present petitioner was arrested on 13.04.2020 he was joined in the investigation. After completion of investigation supplementary challan report has been presented. Charge sheet was framed on 04.11.2020 and now the case is fixed for prosecution evidence. There is every likelihood that in case he is granted bail he will



flee from the trial. He has committed heinous crime. Therefore, he does not deserve to be released on regular bail.

7. I have considered the arguments and gone through the record.
8. It is a matter of record that other co-accused faced trial in the year 2015, out of which all were convicted except Rachna, Birjan, Mahender Raj and Manoj who were acquitted. Present petitioner was declared as proclaimed offender who was subsequently arrested on 13.04.2020 and now he is facing trial. Record shows that charge sheet has been framed on 04.11.2020. Trial Court is recording statements of prosecution witnesses and so far 14 witnesses have been recorded. Allegations are serious. His past conduct cannot be ignored.
9. Therefore, I do not find merits in his regular bail and the same is dismissed. Trial Court is directed to expedite the trial.
10. Petition is accordingly disposed of.
11. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(AMARJOT BHATTI)
JUDGE

16.09.2024
monika

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