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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

283

CRM-M-33300-2024 (O&M)
Date of decision: 05.09.2024

Puran ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Gourav Verma, Advocate
for the petitioner. (Through VC)

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bhartiya
Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner
in FIR No. 283 dated 26.07.2023, registered under Sections 302, 148, 149,
323, 506 of IPC at Police Station Baroda, District Sonipat.
2. Brief facts of the case relevant for the disposal of the present
petition are that the aforesaid FIR had been registered on 26.07.2023 on the
basis of a complaint filed by complainant Ajit Singh alleging therein that on
25.07.2023, at 09:00 AM, Billu son of Zile Singh had taken away his father
on his motorcycle to Hisar. On the same day, at about 11:30 PM, Sahdev,
Pradeep, Naresh @ Neshi and two other boys came to his village on two
bikes and told him that his father was injured. They invited him to go with
them to Hisar and that they would take his father for treatment. However, the
complainant refused to do so. The complainant called his brother Ajay, who

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told him that Sahdev, Pradeep, Naresh @ Neshi, Billu and two other persons had kept his father captive since morning and had also given beatings to Ajay and Pyare Lal. The complainant came to his native village Chhichhana at about 06:00 AM on the next day and found his father Dhaniram lying dead in the room at home. On inquiring, Ajay and complainant's uncle told him that aforesaid persons had killed his father on the night of 26.07.2023 and after throwing him on the street, they had fled while extending threat to kill them as well. The complainant prayed for taking legal action against the culprits. After registration of the FIR, investigation proceedings were initiated. Inquest proceedings and postmortem examination of the dead body of the victim was conducted. During the course of investigation, the name of the present petitioner had surfaced as one of the accused on the basis of the statement of the brother of complainant, namely Ajay. The petitioner was arrested on 28.07.2023. After completion of necessary investigation and usual formalities, *challan* under Section 173 of Cr.P.C. was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforesaid offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 09.05.2024.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. The case of the prosecution is highly improbable. The FIR had been registered after due deliberations. The petitioner had not been named in the FIR. He has subsequently been involved in this case on the basis of the statement made by aforesaid Ajay. No motive is attributed to him. He is in judicial custody since 28.07.2023.

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Investigation has since been completed and *challan* has been presented before the Court. The trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted benefit of regular bail.

4. Reply has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that there are serious and specific allegations against the petitioner. Although, he was initially not named in the FIR but the son of the victim, namely Ajay, who was an eye-witness, had specifically stated that the petitioner along with the co-accused had murdered the victim on 25.07.2023, on the basis of which, the petitioner has been arraigned as accused in this case. The trial is going on at a proper pace and the case is now fixed for 27.09.2024 for recording the statements of the prosecution witnesses. The criminal antecedents of the petitioner are not clean as he is involved in three more FIRs. It is also argued that there are chances of the petitioner's absconding or influencing the witnesses, if extended benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the allegations, the petitioner has formed membership of an unlawful assembly with co-accused and in prosecution of the common object of that unlawful assembly, he is alleged to have committed the murder of the victim by extending him severe beatings with wooden baton etc. He has been involved in this case on the basis of the statement got recorded by

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the son of the victim, namely Ajay, who is stated to be an eye-witness. The cause of the incident, as stated by Ajay, was that the victim had got performed the marriage of co-accused Naresh @ Neshi. However, after marriage, his wife had left his company and had gone to her parental house due to his ill treatment. Due to that reason, co-accused Naresh @ Neshi had been nursing grudge against the victim and on 25.07.2023 at about 09:00 AM, co-accused Naresh @ Neshi, petitioner Puran, Rakesh @ Kala, Zile Singh, Akshay @ Partakar had made the victim sit the vehicle of Sahdev. Thereafter, at about 10:30 PM, co-accused Pardeep @ Sarpanch, Akshay @ Partakar, Mohit and Sumit @ Dada had come to Ajay's house and while abusing him, they had beaten him and proclaimed that they would kill him like his father Dhaniram. Somehow, Ajay saved himself from the accused persons. He saw that co-accused Naresh @ Neshi, petitioner Puran, Mohit and Sumit Khata were inflicting injuries to his father with batons. They took away his father in the said vehicle. At about 1-1:30 AM, the accused persons returned in the said vehicle, threw the dead body of the victim in the street and fled away.

7. A perusal of the reply as well as the statement recorded by aforesaid Ajay, who is son of the victim and an eye-witness to the occurrence, reveals that the petitioner had actively participated in commission of the subject offences. During the course of investigation, disclosure statement of the petitioner was recorded and he had got recovered wooden baton used by him in commission of the crime. The statements of co-accused Rakesh @ Kala and Zile Singh were recorded under Section 164 of Cr.P.C., wherein, while admitting their guilt, they had stated that the

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petitioner had also inflicted injuries on the person of the victim. There are serious and specific allegations against the petitioner. As per postmortem report, total 30 external injuries were found on the body of the victim and the cause of death was opined to be hemorrhage and shock due to the injuries described in the postmortem report, which were ante-mortem in nature and the nature of the weapon used was reported to be blunt. The trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of the same. Therefore, keeping in view the gravity of allegations as levelled against the petitioner, his criminal antecedents, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that he does not deserve to be granted concession of regular bail, at this stage. Accordingly, the present petition is dismissed.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

05.09.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No