

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

CRM-M-34488-2023

Reserved on: 15.01.2024

Pronounced on: 18.01.2024

2024: PHHC: 006201

SANJAY

. . . . Petitioner

Vs.

State of Haryana

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Sunil Saharan, Advocate, for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

Mr. L.K. Narang, Advocate, with
Mr. Gunjan Mehta, Advocate,
for the complainant.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 CrPC, petitioner prays for his release on regular bail in case FIR No.269 dated 24.07.2020 registered under Sections 120B/201/302/364/365/34 IPC at Police Station Arya Nagar, District Rohtak.

2. It is his second petition for this purpose. The earlier petition is stated to have been dismissed as withdrawn on 18.04.2022.

3.1 Status report filed by the respondent-State would reveal the prosecution case to the effect that on 24.07.2020, a police party headed by Inspector/SHO Jai Narain was on duty at PGIMS, Rohtak, when information was received that a person had been kidnapped from District Court, Rohtak. Accompanied by other police officials, he reached at the roundabout of Jind Chowk, where complainant-Narender met him and

got recorded his statement, as per which his brother-Virender had gone to Rohtak Court to apply for his bail at about 10:00 AM, from where he was forcibly abducted by 6-7 persons in a Sumo bearing “No. HR-58”. On receiving the information, the complainant along with Deepak and Vijay went to the spot and came to know the names of Sunil, Nanha, Raj Kumar @ Baggi, Dharambir, Vijay and Parveen, who had abducted Virender from the Court premises and that vehicle was being driven by Ajay and that they had killed Virender and thrown his body in the fields of village-Samad (Samargopalpur) to destroy the evidence.

3.2 FIR was registered. During investigation, spot was inspected and blood samples and other belongings of the deceased were lifted. Accused Nathu Ram @ Nanha, Sunil s/o Satbir, Dharambir s/o Suresh, and Raj Kumar @ Baggi s/o Duli Chand were arrested on 26.07.2020 and on the disclosure statement suffered by the accused-Sunil, a Tata Spacio vehicle No. HR-58T-9128 and some other belongings of the deceased were recovered. On 29.07.2020, accused Parveen s/o Dharambir and Bijender @ Vijay s/o Raj Singh @ Raja were arrested and their disclosure statements were recorded. The parna used to strangle the deceased was recovered from Bijender @ Vijay.

3.3 Complainant produced 2 CDs of CCTV footage on 05.08.2020, which were taken into possession. On 17.08.2020, accused Rajesh s/o Ram Mehar and Sanjay s/o Gulab Singh (*petitioner herein*) were arrested and their statements were recorded. After completion of investigation, challan was filed against 8 accused including the petitioner. The pen-drive containing CCTV footage and photographs taken from the

same showed the petitioner to be one of the persons, who was kidnapping the deceased, who was later killed.

4. It is contended by Id. counsel that petitioner has been falsely implicated; that petitioner was not named in the FIR and has been introduced on the basis of disclosure statements of Sandeep and Dharam Singh, who have been introduced as witnesses later on. Ld. counsel further contends that there is a long list of 36 prosecution witnesses and thus, trial is likely to take long time. Petitioner is in custody for the last more than 3 years and so, in all these circumstances, he be allowed bail.

5. Ld. State counsel ably supported by counsel for the complainant has strongly opposed the bail petition by pointing out that role of the petitioner has clearly surfaced during investigation. Even the CCTV footage, as referred in the status report, was played in the Court in order to put emphasis that petitioner along with others is clearly seen kidnapping the deceased from the Court complex, Rohtak in broad day light. Ld. State counsel has further drawn attention towards the testimony of two witnesses namely Sandeep s/o Jaipal, and Dharam Singh s/o Hansraj, who have supported the prosecution version in this regard. Prayer is made for rejecting the petition.

6. Heard. The allegations against the petitioner are very serious. Offence is grave entailing the punishment even to the death. He was one of the persons, who kidnapped the deceased from the Court complex and later on killed him. The veracity of testimony of the prosecution witnesses Sandeep and Dharam Singh and reasons for late

recording of their statements during investigation, is subject matter of appreciation during trial.

7. Having regard to overall circumstances as noted above, but without commenting anything further on merits of the case, this Court is not inclined to grant regular bail to the petitioner.

Dismissed.

(DEEPAK GUPTA)
JUDGE

18.01.2024

Vivek

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