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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.34110 of 2024
Date of Decision: 24.09.2024

Deepak @ Rajkumar ... Petitioner
Versus
State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ramnish Puri, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
282	02.10.2023	Siwani, District Bhiwani	323, 506, 452 and 34 of IPC

2. As per the prosecution case, on 27.09.2023, on receipt of a ruqa regarding admission of the victim Gindo Devi in Civil Hospital, Bhiwani due to sustaining some injuries, a police party reached there and recorded statement of the injured Gindo Devi who stated that on the night of 26.09.2023, she along with her grandchildren was sleeping in her house when someone knocked at the door of the same. On opening the door, three persons were found standing there. They at once opened an assault upon her. She identified one of them as the petitioner who was

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brother-in-law of her deceased son. She raised rescue alarm and was saved by her daughter-in-law. While fleeing, the assailants extended threats to kill her. On her statement, initially a case under Sections 323, 452 and 506 read with Section 34 of IPC was registered. Investigation proceedings were initiated.

3. As per the further allegations, the victim Gindo Devi succumbed to her injuries and died on 05.10.2023 during the course of treatment. Offence under Section 302 of IPC was added. Inquest proceedings and postmortem examination of dead body of the victim were conducted. The petitioner and co-accused Ram Bhul were arrested on the same day. They were interrogated and suffered disclosure statements admitting their involvement in the subject crime. The co-accused Krishan was arrested on 24.11.2023. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences. He had moved an application for grant of regular bail before the learned trial Court which has been dismissed vide order dated 08.07.2024.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is unexplained delay in lodging of the FIR. He does not have any criminal antecedents. No recovery remains to be effected from him. Material witnesses Parveen Kumari, Jile Singh, Suresh Kumar and Asha have since been examined as PW-1 to PW-4 respectively

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before the trial Court and they have not implicated the petitioner as an assailant of the victim. The trial is likely to take time. His further detention would not serve any useful purpose. Therefore, it is urged that he deserves to be released on bail.

5. Status report has been filed by the respondent-State. It is submitted there and learned State counsel has argued that there are serious and specific allegations against the petitioner. He was named as one of the assailants by none other than the victim herself who had recorded statement before the police and had later on succumbed to the injuries sustained by her at the hands of the petitioner and the co-accused. The statement so recorded by the victim amounts to her dying declaration. The fact that some of the witnesses have not supported the prosecution version and have not implicated the petitioner as assailants of the victim, cannot be considered to be sufficient to extend benefit of bail to the petitioner keeping in view the gravity of the allegations as levelled against him. Other circumstantial evidence is also required to be considered in this regard and the same is yet to be adduced. There are chances of petitioner's absconding if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

7. The petitioner along with the co-accused is alleged to have criminally trespassed to the house of the victim Gindo Devi on the night of

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26.09.2023 and is further alleged to have caused injuries to her. She was admitted into the hospital. In her statement recorded on 02.10.2023, she disclosed that the petitioner was one of the persons who had assaulted her and also that she could identify the two youths who were accompanying him, on seeing them. Copies of statement of PW-1 to PW-4 have been placed on record and a perusal of their statements reveals that all of them are family members of the deceased. They have not implicated the petitioner in the commission of subject crime. PW-1 Parveen Kumari, granddaughter of the victim while claiming herself to be an eye-witness is shown to have stated that she could not identify the assailants and had only seen them while running. She denied that the present petitioner who was her maternal uncle had inflicted injuries on the person of the victim. Then PW-2 Jile Singh son-in-law of the victim, PW-3 Suresh Kumar son of the victim and PW-4 Asha wife of PW-3 have also not made any deposition against the petitioner. However, keeping in view the fact that the victim herself had disclosed the name of the present petitioner as one of her assailants before her death, coupled with the nature of the allegations levelled against the petitioner, I am of the considered opinion that the petition does not deserve to be allowed at this stage. Hence, the same is dismissed.

24.09.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No