

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.41104 of 2024
Reserved on: 11.11.2024
Pronounced on: _27.11.2024

Bharat Kumar @ Bharat Kumar @ Monu ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kamaldeep Sehra, Advocate
for the petitioner.

Mr. Aashish Bishnoi, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
468	15.09.2020	Surajkund, Faridabad	346, 364, 302, 420, 201, 34, 419, 467, 471 and 120-B IPC, 1860

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 430 Cr.P.C., 1973, seeking regular bail.
2. In paragraph 17 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“1. That a police case bearing FIR No. 468 dated 15.09.2020 U/s 346 IPC (later on added Section 364, 302, 420, 201, 34, 419, 467, 471 & 120 IPC) was registered at Police Station Surajkund, Faridabad on the basis of a complaint made by complainant Ravinder Singh.
The complainant stated in his complaint that his brother in law (Saala) Gurbachan Singh was residing in Charmwood Village Faridabad his mobile No.96XXXXX151 and 99XXXXX056 were switched off. Then the complainant went to the house of Gurbachan Singh in Charmwood Village Faridabad to see him but his house was found locked from front and back door as well. The complainant had traced/searched him but not found anywhere. The

complainant had enquired from neighbour then it came to know 20-25 days ago Gurbachan Singh went in a car No.DL- 3CC-6104, since then he has not been seen anywhere. Hence, the present case bearing FIR No. Annexure P-1 was registered."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"2. That during investigation, on 06.11.2020, Dev Bhardwaj of Sector-29, Faridabad came to police and produce written application (Annexure R- 1), pendrive and certificate under section 65B of Evidence Act to the police. It revealed that Bharat Kumar @ Monu (Petitioner) was servant of Gurbachan Singh. The petitioner made an extra judicial confession before Dev Bhardwaj to the effect that he alongwith his other companions Rahul and Deepak Kumar co-accused had kidnapped Gurbachan Singh and they committed his murder and his dead body was thrown in Ganga River (Gang Nehar) near Anoop Shehar, UP.

3. That on 16.11.2020, Bharat Kumar (Petitioner) was arrested, who suffered his disclosure statement (Annexure R-2) and confessed his guilt to the effect that he was employee of Gurbachan Singh, who was alone in the family. Gurbachan Singh was having a house in Green Field Colony, Faridabad. The petitioner accused became greedy and hatched a conspiracy with his friend Deepak Kumar and Rahul Lakheda (both co- accused) to grab the property of Gurbachan Singh. They hatched a conspiracy to get convert his property in their own names and then they will sell and divide the money in equal shares. As per conspiracy. They had taken away Gurbachan Singh in their car and change the number Plate DL-3CCH-6104 instead of DL-IZB-6104 to avoid any suspicion. They had taken away Gurbachan Singh in the car for getting the documents executed in their favour. As per conspiracy they asked Gurbachan Singh to transfer the property in their names, but he refused to do so, then Bharat Kumar (Petitioner), Deepak Kumar and Rahul co- accused killed him by wrapping a cloth around his neck and then dead body of deceased was thrown in Gang Nehar.

Co-accused Rahul Lakheda and Deepak Kumar were also arrested and they also suffered their disclosure statement to the same effect. Bharat Kumar (Petitioner) got recovered original Registry and photocopy of full and final agreement whereas, the co-accused Rahul got recovered the forged documents of the property of Gurbachan Singh. The co- accused Deepak Kumar got recovered his car No.DL-1ZB-6104. The number plate DL-3CCH-6104 was got recovered by Deepak Kumar co- accused from the Dikki of his car.

4. That the co-accused Manjeet and Hardev Singh were also arrested during investigation, who were found involved in preparing forged documents of the property of deceased Gurbachan Singh.

5. That several sincere efforts were made to recover the dead body of Gurbachan Singh in the Gang Nehar. The help of Police and Divers were also taken to search the dead body but due to long delay and fast flow of water, the dead body of deceased Gurbachan Singh could not be recovered.”

7. A perusal of the bail petition and the documents attached prima facie points towards the petitioner’s involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.
8. As per custody certificate dated 01.09.2024, the petitioner’s custody of around 03 years 09 months and 11 days cannot be termed prolonged, given the sentence prescribed for the offense, which is imprisonment for life.
9. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
10. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

27.11.2024
Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	No.