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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision:- 11.03.2024

(1) CRM-M-43610-2023 (O&M)
AMANDEEP @ AMANPetitioner
Vs.

STATE OF HARYANA ...Respondent

(2) CRM-M-62273-2023 (O&M)
MUKESH ALIAS NUNNAPetitioner
Vs.

STATE OF HARYANA ...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Aditya Sanghi, Advocate
for the petitioners (in both cases).

Mr. Deepak Grewal, DAG, Haryana.

AMARJOT BHATTI, J.

1. The petitioners – Amandeep @ Aman and Mukesh @Nunna has filed two separate petitions under Section 439 Cr.P.C. for grant of regular bail in FIR No.166, dated 08.04.2022 under Sections 366, 376 (2)(n), 306, 120-B and 346 of IPC registered at Police Station Sadar Dabwali, District Sirsa, Haryana. Both these petitions have arisen out of the same FIR, therefore taken up together for disposal.

2. The facts of the case are that Prahlad Singh - father of the victim gave his statement to the police that his daughter aged about 19 years was doing course of JBT in a private college in Elenabad. On

07.04.2022, his daughter had gone to her college at 09:00 A.M. but did not return back. He contacted the college and came to know that his daughter had left the college at 11:00 A.M. He tried to search his daughter from the houses of relatives and neighbours but could not find her. Ultimately, the matter was reported to the police and the FIR was registered under Section 346 of IPC. The investigation was carried out. It was revealed that Amandeep was having illicit forcible relation with the victim and he was supported by his friend Mukesh @Nunna. The bag of the victim and mobile phone were recovered and the same were taken into police possession. Ultimately, the body of victim was recovered from Raj Canal, Lakhuwali Head – Rajasthan on 10.04.2022. The supplementary statement of complainant was recorded naming Amandeep who was harassing her daughter. After completion of investigation, challan was presented under Sections 366, 376(2)(n), 306 and 120-B of IPC.

3. Learned counsel for the petitioners argued that Amandeep @Aman was arrested on 11.04.2022, whereas, Mukesh @ Nunna was arrested on 13.04.2022 and till date both of them are in custody. The allegations regarding rape of deceased victim are without any basis. The postmortem report Annexure R-1 does not show any injury on the person of deceased victim. In the case in hand, report of Forensic Science Laboratory, Madhuban (FSL) has been received which cannot be connected with petitioner Amandeep. Even as per the opinion of doctor Annexure R-4, cause of death was Asphyxia due to drowning and no comment was given regarding the sexual assault. The complainant has tried to give improved version by making supplementary statement naming Amandeep @ Aman, for harassing his

daughter. Petitioners did not suffer any disclosure statements nor any recovery was effected from them. So far as Mukesh @Nunna is concerned, he is not named by complainant. The trial is still at initial stage and statement of one witness has been recorded partly. The co-accused Parvati was granted anticipatory bail in CRM-M-23949-2022 vide order dated 17.08.2023. Both the petitioners are behind the bars since long. They are ready to abide by the terms of bail order. It is prayed that their regular bail applications may be allowed.

4. On the other hand, regular bail applications filed by petitioners are opposed by learned State counsel assisted by learned counsel for complainant. He referred to detailed status report and pointed out that both the petitioners are connected with said crime on the basis of CCTV footage in which they were seen following the deceased victim. The dead body of victim was recovered from Lakhuwali Head, Rajasthan on 10.04.2022. The postmortem report and reports of FSL are also placed on record along with status report. During investigation, it has come in the supplementary statement of complainant that the victim was being harassed by Amandeep. There are serious allegations of harassment, repeated rape and unnatural death of deceased victim. After completion of investigation, challan is already presented. As per the status report dated 01.11.2023, till then no prosecution witness was examined. It was prayed that considering the gravity of offence, the regular bail applications filed by both the petitioners may be dismissed.

5. I have considered the bail applications filed by both the petitioners, as referred above. Mukesh @ Nunna has filed 2nd regular bail application as his first regular bail application was dismissed on

merits in CRM-M No. 40692 of 2022 vide order dated 11.01.2023. The bail application of co-accused Parvati was on different footing, as the main allegations are against the present petitioners. It is matter of record that after completion of investigation, challan was presented on 08.07.2022 under Sections 366, 376(2)(n), 306 and 120-B of IPC. The occurrence is dated 07.04.2022 and information was given to police on 08.04.2022. The victim was a young girl of 19 years of age who was doing JBT course in a private college in Elenabad. She got missing on 07.04.2022 and her dead body was recovered from Lakhuwali Head, Rajasthan on 10.04.2022. The investigation was carried out and in that course it was revealed that one handbag was recovered from the bank of Raj Canal by police of PP Masita on 08.04.2022. The CCTV footage was collected and both the petitioners were nominated as they were found following the deceased victim. Supplementary statement of complainant was recorded where Prahlad Singh – complainant stated that the victim had disclosed to her brother Kuldeep that Amandeep was harassing and stalking her. It is further claimed that Amandeep had threatened his daughter and son. The postmortem report and reports of FSL are on record. The allegations are serious in nature. Statements of material witnesses are yet to be recorded. It is pointed out by learned counsel for petitioners that till date statement of only one witness has been recorded in part. Therefore, in such like situation in case the petitioners are released on bail, they may influence the material prosecution witnesses who are yet to be examined.

Considering the gravity of offence and nature of allegations, I do not find a fit case for grant of regular bail to Amandeep @ Aman and Mukesh @Nunna and accordingly, their respective petitions are

dismissed.

6. It cannot be ignored that trial is pending for the last about one and a half year and statements of material witnesses have not been recorded by the trial Court. Therefore, trial Court is directed to record statements of material witnesses expeditiously in a time bound manner.

Photocopy of this order be placed on the file of connected case bearing CRM-M No. 62273 of 2023.

11.03.2024

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No