



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

236

CRM-M-45534-2023 (O&M)  
Date of Decision:- 11.07.2024

SOHAN LAL

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJIV BERRY**

Present : Mr. Rahul, Advocate for  
Mr. Vikas Bishnoi, Advocate  
for the petitioner.

Mr. Surender Singh, AAG Haryana.

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**SANJIV BERRY, J. (ORAL)**

1. Status report dated 23.12.2023 already filed in the form of an affidavit of Deputy Superintendent of Police, Hisar-I, Hisar is ordered to be taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Heard.
3. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

| FIR No. | Dated      | Sections       | Police Station         |
|---------|------------|----------------|------------------------|
| 311     | 03.08.2021 | 302 and 34 IPC | Agroha, District Hisar |



4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner, who is in custody since 06.08.2021, is innocent and has been falsely implicated in the case. He contends that false recovery has been foisted upon the petitioner and he was not involved in the commission of the crime, as has been alleged by the prosecution. He submits that after the completion of investigation, challan has been presented and material witnesses stand examined. The conclusion of trial is likely to take sufficient long time, hence, prayed for grant of regular bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the status report submitted by the State has opposed the bail petition on the ground that the petitioner had actively participated in the commission of offence and during his interrogation, the petitioner has got recovered the purse of the deceased and also got demarcated the place, where he had thrown the mobile phone of the deceased. He, therefore, submits that considering the gravity of offence committed, the petitioner does not deserve the concession of bail.

6. After considering the respective submissions and perusing the record, it transpires that as per the case of prosecution, on 02.08.2021, the petitioner along with co-accused had gone to Pawan's *Dhaba*, where they found Rajender (deceased), who was known to co-accused Tarsem. They all started drinking alcohol and after some time, Rajender reminded them of their old rivalry and how the family members of co-accused Tarsem, had killed his wife, whereafter, Rajender got registered a case against his father-in-law and brother-in-law, who were later sentenced to life imprisonment.

The accused persons went back, however, co-accused Tarsem got offended



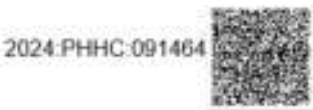
and thought that Rajender had taunted him and he had to teach him a lesson. Thereafter, co-accused Tarsem and petitioner came back to the *Dhaba* on the Ambulance of co-accused Tarsem bearing No.HR-47C-1222, where Rajender was lying on the cot completely unconscious under the influence of alcohol. They took Rajender on a stretcher and went to Sirsa road and stopped the ambulance near Sirsa road BSF Camp. Co-accused Tarsem and the petitioner made a thin rope of a torn towel and strangled Rajender until he stopped breathing. Thereafter, they threw the body of the deceased on the road side at Naganthala road.

7. During the course of investigation, the accused persons were arrested. Co-accused Tarsem got recovered the vehicle i.e. Ambulance used in the incident as well as the towel used for the murder. Whereas, the petitioner got recovered the purse of deceased-Rajender carrying Ration card, Aadhar card and other documents of deceased-Rajender. Furthermore, during investigation, the mobile tower location of both the accused persons were found at the incident site.

8. A perusal of the record would reveal that there are specific allegations against the petitioner of having committed murder of Rajender with co-accused Tarsem.

9. In these circumstances, considering the serious nature and gravity of offence involved, the petitioner is not entitled to the concession of bail. Accordingly, the present petition is dismissed.

10. Any observation made above shall not be construed as opinion of this Court on the merits of the case.



11. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)  
JUDGE

11.07.2024  
S.Sharma(syr)

|     |                            |        |
|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |