

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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1. CRM-M-49662-2022
Date of decision: 18.01.2024

Dinesh SinghPetitioner

Versus

State of PunjabRespondent

2. CRM-M-58452-2022 (O&M)
Date of decision: 18.01.2024

Roop RaniPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sehej Sandhawalia, Advocate
for the petitioner in CRM-M-49662-2022.

Mr. Rakesh Chopra, Advocate
for the petitioner in CRM-M-58452-2022.

Mr. Arun Luthra, DAG, Punjab.

Mr. G.B.S. Dhillon, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.219 dated 11.06.2021 under Sections 302, 120-B, 379-B, 411 of the IPC registered at Police Station City Kharar, District SAS Nagar (Mohali).

2. Status report by way of affidavit of Karan Singh Sandhu, PPS, Deputy Superintendent of Police, Sub Division Kharar-1, District S.A.S. Nagar, on behalf of the respondent-State in CRM-M-49662-

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CRM-M-58452-2022 (O&M)

2022, has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. Learned counsel for the petitioners inter alia contend that the case in hand rests on circumstantial evidence and without any cogent evidence the petitioners have been falsely implicated for the murder of deceased Maya Devi. Learned counsel have submitted that as per the case set up by the prosecution there was some money dispute between the deceased and co-accused Krishna Devi which was the alleged motive to commit the murder, however, there was no whisper made by the complainant with respect to either of the petitioners having any motive to even participate in the crime in question. Learned counsel have further submitted that even though the petitioners were arrested on 11.06.2021, the trial had been proceeding at a very slow pace as only 08 prosecution witnesses stood examined and hence, there was no likelihood of the trial concluding in the near future. A prayer has, therefore, been made that in the aforementioned facts and circumstances moreso since the material witnesses stand examined, the petitioners be extended the concession of bail as there could be no likelihood of the evidence being tampered with or the witnesses being influenced by them.

4. Per contra, learned State counsel assisted by learned counsel for the complainant, has vehemently opposed the prayer made by the counsel opposite for extending the concession of bail to the petitioners. It has been submitted that though the case rests on circumstantial evidence, however, the complainant who is the son of

the deceased, while lodging the FIR had categorically stated that on the fateful day i.e. 10.06.2021, he along with his friend dropped his mother i.e. the deceased, outside the house of co-accused Krishna Devi as the latter owed ₹2,50,000/- to his mother; the deceased had been repeatedly demanding her money from co-accused Krishna Devi, who, however, had been putting off the matter. Since the deceased did not return home till evening and her phone was also switched off, the complainant lodged a missing report in the evening and also went out searching his mother. The complainant became suspicious and checked the CCTV cameras installed in the vicinity of the house of the co-accused Krishna Devi and it came to be revealed that co-accused Krishna Devi along with her sister i.e. petitioner Roop Rani, her son and a friend of her son Dinesh Singh, i.e. petitioner in car bearing No.CH-03-F-4320, were making the deceased sit and thereafter had taken the deceased in the vehicle to some place. Learned counsel have submitted that soon thereafter the dead body of the deceased was found lying at an uninhabited place; the gold ornaments which the deceased was wearing were also missing which were subsequently recovered from the accused pursuant to their disclosure statements. Learned counsel have submitted that in the circumstances, the contention of the counsel for the petitioners that there was no cogent evidence on record to link them with the murder was clearly bereft of any merit. It has been further submitted that all the material witnesses while stepping into the witness box had fully supported the prosecution case. Only formal witnesses remained to be examined and, hence, there was every likelihood that

the trial would not take much time to conclude.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. In the facts and circumstances as enumerated hereinabove and in the light of the prima facie evidence collected by the investigating agency, including evidence of the deceased being last seen in the company of the accused including the petitioners, this Court does not deem it fit to extend the concession of bail to the petitioners.

7. Accordingly, both the petitions are hereby dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. At this stage, a request has been made by learned counsel for the petitioners for issuance of directions to the learned Trial Court to expedite the trial and conclude the same at the earliest.

10. Learned Trial Court is directed to expedite the trial and conclude the same at the earliest preferably within a period of six months from today.

18.01.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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