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**218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-48081-2023
Decided on : 23.07.2024

Desai Ram

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Ms. Garima Sharma, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.292 dated 05.07.2022 under Section 302 IPC registered at Police Station Sadar Pehowa District Kurukshetra.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case at hand which is evident from the fact that Initially, on the statement of the father-in-law of the deceased, only a DDR was recorded and no allegations of murder were levelled against the petitioner, it was only later allegations of murder were levelled by the brother of the deceased. It is submitted that all the main witnesses have been examined, therefore, the apprehension of the prosecution that petitioner might intimidate the



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witnesses or tamper with evidence is over. Moreover, there are major contradictions in the statements of the prosecution witnesses, which create a dent in the case of the prosecution. It is also submitted that the petitioner has clean antecedents and has not been involved in any other criminal case. Further, petitioner has been in custody since 07.07.2022 and his further incarceration would serve no useful purpose as the trial will take a long time to conclude. Thus, the petitioner be enlarged on regular bail.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, at the outset, has argued that grave and serious allegations are levelled against the petitioner of having murdered the deceased. All the prosecution witnesses: complainant PW3- Dinesh, brother of the deceased, PW4- Ram Chander, father-in-law of the deceased, PW6 - Pritesh and PW7- Rupesh i.e. both sons of the deceased supported the case of the prosecution in its entirety and identified the petitioner. It has further been submitted that in case the petitioner is enlarged on bail, he could misuse the said concession by absconding. Therefore, petitioner is not entitled to the concession of bail.

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

5. Admittedly, all the material witnesses already stand examined and have fully supported the case of the prosecution in its



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entirety. There are grave and specific allegations against the petitioner in the FIR in question, which is reproduced hereinunder:

*"Copy of the investigation is as enumerated:
DATE 04.07.2022 GD NO 15 Police Station PEHOWA
GD TIME 04.07.2022 AT 13.52 HRS GD TYPE UIDB/
IDENTIFIED DEAD BODY. At this time, it is recorded
that I, ASI came to the Village Ishak, Police station
Pehowa for recording the statement of Ram Chander
S/o Balda Ram from Police Station. The statement of
Ram Chander S/o of Balda Ram resident of Village
Sirsia, Police Station Chakia, District Motihari (Bihar)
aged about 55 years, Mobile No.9508083277
presently residing at Ambala Cantt. Stated that, I am
resident of the above said address and I am working
as a labourer. I have three sons and four daughters.
The eldest boy is Rajesh Kumar, who was married to
Munni Devi. He has three sons, the eldest boy is
Rupesh, the younger is Pirtesh and the youngest is
Ruman. Rajesh Kumar has been living in village Ishak
for about three years, on rent in the house owned by
Sanjay and was doing labour work in the agricultural
fields, who died about year ago due to electrocution
and now my daughter-in-law Munni Devi was also
living on rent on in the same house. Yesterday on
03.07.2022, my daughter-in-law, Munni Devi after
feeding her children was slept. That in the mid night
around 12:15 am, when my younger grandson Pirtesh
saw that his mother was not found on the charpai
(Cot), who then searched the house and found the
Munni Devi lying fell in the bathroom, who told his
elder brother Rupesh that mother (mummy) fell in the*



bathroom. Then all the three children woke up the neighbours and told them. My cousin Dasai son of Gavan Ram also lived in village Ishaak. The villagers also called Dasai and Dasai called us. After telling the above matter, we came to the spot after getting the information. We have seen the dead body of our daughter-in-law Munni Devi, on whose body there is no wound etc. were found. She might have died either due to heart attack or due to some other disease. Post mortem shall be carried out of deceased Munni Devi. We do not suspect anybody about the death of Munni Devi. Recorded the statement, heard it and it is correct. Sd/ LI Ram Chander”

6. In the facts and circumstances as enumerated hereinabove, considering the role attributed to the petitioner and the gravity of the allegations levelled and also the stage of trial, this Court does not deem it fit to extend the concession of bail to the petitioner. The petition stands dismissed.

7. 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.

23.07.2024
sonia

(MANJARI NEHRU KAUL)
JUDGE

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