

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-46462-2024 (O&M)

Date of Decision: 18.09.2024

Manjinder @ Monu

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Parvinder Singh, Advocate for the petitioner

Mr. Jaspal Singh Guru, AAG Punjab

Sandeep Moudgil, J.

Relief

(1). This petition under Sections 482 BNSS has been filed by the petitioner seeking anticipatory bail in case FIR No.127 dated 07.08.2024 under Section 108 of Bharatiya Nyaya Sanhita, 2023 registered at Police Station Garhshankar, District Hoshiarpur.

Facts

(2). As per the allegations in the FIR, the complainant Ram Pal submitted that he being an old aged person used to remain at home. He has two sons and one daughter. Lalit Kumar @ Annu (younger son) of complainant was bachelor and used to look after cattle head. On 04.08.2024, at about 8:00 PM, Lalit Kumar @ Annu left home on his Jupiter, but he did not come back to the house till late night. On 05.08.2024, dead body of Lalit Kumar @ Annu was found in suspicious circumstances in the area of village Rampur Bilon. At that time the complainant did not suspect anybody as there was no injury mark on dead body of deceased, therefore DDR No.21 dated 05.08.2024, was entered. Later on the complainant stated to have obtained strong proof in the shape of

voice message of his son Lalit Kumar @ Annu that ‘ *Mai Boldi Annu je kal nu menu Khchh of be Janda Thik a Jeheda Bilron da Munda Rakhia C Uh Jimevar Hovega* and therefore he has got strong belief that Lalit Kumar @ Annu died on account of petitioner-Manjinder Singh @ Monu (bail applicant).

Submission by the petitioner

(3). Learned counsel for the petitioner submits that there is no medico-legal evidence to connect the petitioner for his involvement with the alleged offence as no external injury is found on the person of the deceased. He submits that the police have falsely implicated the petitioner in an attempt to assign blame to someone from Bilron village relying solely on the alleged voice recording which could not be proved against the petitioner. It is further averred that nothing has been recovered from the possession of the petitioner and therefore, his custodial interrogation is not required.

Complainant's/State's contention

(4). Learned State counsel contends that there was no injury on the person of the deceased and the viscera has been sent to the chemical examiner and its report along with histopathological report are still awaited and as far as the petitioner is concerned, the complainant has specifically named him as the voice recording is clearly indicating that there was some dispute of the deceased with the petitioner and since the matter is sensitive in nature which revolves around the death of a boy in a very suspicious manner and the prima facie name of the petitioner has erupted, therefore, his custodial interrogation is required.

Analysis

(5). In the inquest proceedings under Section 194 BNSS conducted by the police, the police peeped into the mobile phone chat of the deceased wherein they came across a voice message in which it was recorded by the deceased that in case something happens to him, the boy belonging to village Bilron, will be responsible for his death. Moreover, the complainant has produced certain photographs showing petitioner (who is resident of village Bilron) and the deceased together and as such, prima facie, particularly when the matter is under investigation, the nexus of deceased with the petitioner or any other suspected boy belonging to village Bilron, needs to be probed so as to bring the actual truth to fore.

(6). There is no valid reason to outcast the statement of the complainant pointing out the involvement of the petitioner and as such, this Court does not find it to be a case to exercise its jurisdiction and extend the concession of granting anticipatory bail to the petitioner.

(7). Dismissed.

18.09.2024
V.Vishal

(Sandeep Moudgil)
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No