



CRM-M-49991-2023 and another connected matter

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision:- 30.08.2024

(1)

CRM-M-49991-2023

Sagar

...Petitioner

Vs.

State of Haryana

...Respondent

(2)

CRM-M-27234-2024

Suraj @ Kala

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

**Present:- Mr. Ajay Ghanghas, Advocate
for the petitioner in CRM-M-49991-2023.**

**Mr. Pradeep Chhoker, Advocate
for the petitioner in CRM-M-27234-2024.**

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

AMARJOT BHATTI, J.

1. The petitioners – Sagar and Suraj alias Kala have filed separate petitions under Section 439 Cr.P.C. for grant of regular bail in FIR No. 98 dated 04.02.2022, under Sections 302/34 of IPC, registered at Police

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Station Samalkha, District Panipat. These petitions have arisen out of same FIR, therefore, both petitions are taken up together for disposal.

2. Facts of the case are that Mahabir complainant gave his statement to the police that his son Parmod used to consume excessive liquor. He had gone to meet some relative in village Atullapur. In the evening of 03.02.2022, his son Parmod started from village Atullapur for coming to village Tikri but he did not reach home. On 04.02.2022, in the afternoon he received call from police of Samalkha Police Station that dead body of his son Parmod is lying near the road of Dhanno in village Jaurasi Khas. He along with his relative reached on the spot and saw the dead body of his son. He claimed that his son died due to excessive drinking of liquor and nobody was at fault. Subsequently, supplementary statement of complainant was recorded on receiving the report of post-mortem. Investigation was carried out and the present petitioners were arrayed as accused.

For the convenience of the Court documents produced in CRM-M-49991-2023 are referred.

3. Learned counsel for petitioners argued that initially complainant Mahabir did not suspect anybody for the commission of offence. Both the petitioners were arrested in this case and they were challaned to face trial. Learned counsel for petitioners referred to the statements of witnesses examined during trial i.e. Amarjeet PW-3 (Annexure P-3), Mahavir PW-4 (Annexure P-6) and Arjun PW-5 (Annexure P-7) who did not support the

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prosecution version. Petitioners are behind the bars since long and they are ready to face the trial and will abide by the terms of bail order. Therefore, their regular bail petitions may be allowed.

4. Learned counsel representing State opposed the bail petitions. He pointed out that initially inquest proceedings were conducted under Section 174 Cr.P.C. Dead body was sent for post-mortem examination to Government Hospital, Panipat. Cause of death in this case was due to asphyxia secondary to manual strangulation and smothering. Post-mortem report is Annexure R-1. Initially, investigation was carried out by SI Naresh Kumar and thereafter investigation was handed over to SI Angrej Singh by CIA-1, Panipat. Supplementary statement of complainant was recorded. Call detail record of the deceased victim and both accused Sagar and Suraj @ Kala was procured. Suraj @ Kala was arrested on 14.09.2022 whereas Sagar was arrested on 16.09.2022. They were joined in the investigation. Their disclosure statements were recorded. Out of 21 prosecution witnesses, 07 witnesses have been examined. It is argued that deceased victim was murdered by both the accused by hatching a criminal conspiracy. Therefore, considering the gravity of offence, they are not entitled to be released on bail.

5. I have considered the arguments and have gone through the record. Mahabir, father of the deceased victim examined as PW-4 was not eye witness to the occurrence nor the other witnesses examined by prosecution namely Amarjit PW-2 and Arjun PW-5 are the eye witnesses.



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It is matter of record that aforesaid witnesses did not level allegations against the petitioners. In fact the case of prosecution is based on circumstantial evidence. Statements of investigating officer and other witnesses to complete the chain of events, are yet to be recorded. Considering the facts of the case, at this stage, I do not find a fit case for grant of regular bail and the bail petitions filed by Sagar and Suraj @ Kala are accordingly declined.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

30.08.2024

Sunil Devi

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No