



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.48141 of 2024
Date of Decision: 04.11.2024

Rajesh ... Petitioner

Versus

The State of Haryana and another ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Abhimanyu Singh, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

Mr. Karan Singh, Advocate,
for the complainant-respondent No.2.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
699	02.11.2022	Bhiwani Sadar, District Bhiwani	120-B, 148, 149 and 302 of IPC

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 02.11.2022, on receipt of an information regarding dead body of one person lying in the fields, a police party rushed towards the spot, where the complainant- Pinky wife of the deceased Surinder Singh was found present, who submitted a written

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complaint alleging therein that on the evening of 31.10.2022, an altercation had taken place between her husband, the present petitioner and Ajay both sons of Sahajram and one Bijender@ Bali, while he (her husband) was working in his fields. On 01.11.2022, her husband had gone to the fields on his motorcycle. At about 11:00 PM, she received information about the dead body of her husband lying therein and on reaching at the spot, marks of injuries on husband's corpus were found. She prayed for taking action against the culprits. After registration of FIR, investigation proceedings were initiated. Inquest proceedings were also conducted. Footages from the CCTV camera installed in the vicinity were collected showing the victim entering into his fields on the night of 01.11.2022. The accused Naresh, petitioner and Bijender@ Bali were arrested on 04.11.2022. The accused Naresh and the petitioner suffered disclosure statements admitting their involvement in the subject crime and demarcated the place of occurrence. In pursuance of his disclosure statement, the petitioner also got effected recovery of incriminating material. Offences under Sections 114, 201, 341 and 404 of IPC were added.

3. As per the further allegations, the call detail record of the accused was also obtained revealing that the accused Manoj @ Moza and Naresh had given telephonic information regarding the presence of the victim in the fields on the fateful day to the accused Manish who along with the petitioner and other accused had gone there and had committed murder of the victim and then had thrown his dead body into the field of one Hawa Singh. Investigation has since been completed. The challan stands presented

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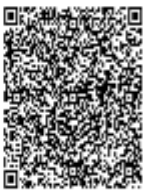


and the petitioner along with co-accused is facing trial for commission of the aforementioned offences. He had moved an application for grant of regular bail which was dismissed by the Court of learned Additional Sessions Judge, Bhiwani vide order dated 10.09.2024.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The limited role assigned to him in the commission of subject crime is that he had caused injury on the thigh of the victim with a danda. There is no eye-witness to the occurrence. The co-accused Bijender @ Bali, Naresh and Manoj @ Moza have been extended benefit of bail. On parity, he too deserves to be extended the same benefit. The trial is likely to take time. No useful purpose would be served by detaining him in custody any more. Therefore, it is urged that he deserves to be extended benefit of bail.

5. Status report has been filed by the respondent-State. It is submitted therein and it is argued by learned State counsel that there are serious allegations against the petitioner who by forming membership of an unlawful assembly along with the co-accused and in prosecution of common object of that unlawful assembly had murdered the victim. The prayer of the co-accused Manish for grant of regular bail has been declined by this Court. The case of co-accused which have been extended benefit of bail is not on equal footing and hence, the petitioner cannot claim parity. The petitioner was named in the FIR. Specific acts have been attributed to him. The petitioner had motive to kill the victim Surinder as an FIR bearing No.715 dated 12.11.2022 had been lodged by the victim against the petitioner. The

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trial is going at a good pace since as many as 26 witnesses already stand examined. With these broad submissions, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length.

7. The petitioner along with the co-accused is alleged to have formed membership of an unlawful assembly and in pursuance of the same, he is alleged to have committed murder of the victim along with co-accused by giving injuries to him repeatedly with a *danda*. The allegations against the petitioner are quite serious in nature. The trial is going at proper pace. There is nothing on record to show that there would be any undue delay in conclusion of the same. The petitioner can not claim parity with the co-accused who have been extended benefit of bail. Keeping in view the nature of the allegations as levelled against him, the quantum of sentence which the conviction may entail and the attendant facts and circumstance but without commenting on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

04.11.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No