

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

212

CRM-M-53095-2022 (O&M)
Date of decision: 05.03.2024

Manjeet @ Langra

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sandeep K. Sharma, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No. 0020 dated 12.01.2020, registered under Sections 302, 376, 452 and 34 of IPC at Police Station Sampla, District Rohtak.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 12.01.2020 on the basis of the statement recorded by complainant Satpal alleging therein that his mother-in-law Sarla @ Babli was living alone at Sampla. His wife and himself used to visit her to know about her well being. He

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alleged that the petitioner had taken money from his mother-in-law and several times his mother-in-law had informed them that she was apprehending danger from the petitioner. The petitioner also used to visit her house. He alleged that on 12.01.2020, he had gone to meet his mother-in-law when the petitioner was seen leaving her house. On entering inside, he found his mother-in-law lying dead on a cot. Several injuries were found to be inflicted upon her person. He alleged that the murder of his mother-in-law was committed by the petitioner. Initially, a case under Sections 302 and 452 of IPC was registered. Inquest proceedings and postmortem of the dead body were also conducted. On 13.01.2020, the complainant made a supplementary statement alleging that co-accused Sunil had also a hand in the murder of his mother-in-law and that both the petitioner and co-accused Sunil had also committed rape upon the victim before her death. Offence under Section 376 of IPC was also added. The petitioner was arrested on 15.01.2020. He was also medically examined. His blood samples were taken for DNA profiling. The co-accused was also arrested. After completion of necessary investigation and usual formalities, *challan* under Section 173 of Cr.P.C. was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of offences punishable under Sections 302, 452, 376 read with Section 34 of IPC. He had moved an application for grant of regular bail before the trial Court but the same had been dismissed, vide order dated 30.08.2022.

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3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. He is in custody for a period of over four years. The trial is likely to take time. Only two witnesses have been examined so far. The complainant has been partly examined and thereafter, he has not been putting appearance for his further cross-examination and he is avoiding the same. The semen detected on the vaginal swabs and clothing etc. of the victim has not matched with the DNA profiling of the blood sample of the petitioner as per DNA report and, therefore, there is nothing on record to suggest that he had committed rape upon the victim. The story as narrated by the complainant is totally unnatural, improbable and untrustworthy. It has not been proved that he had seen the petitioner while leaving the house of the victim. There is delay in reporting the matter to the police, which has not been properly explained. The petitioner has a permanent abode. He has no criminal antecedents. There are no chances of his fleeing or tampering with the prosecution evidence. He is 70% permanently disable person. Hence, no question of committing the subject crime by him has arisen. With these broad arguments, it is submitted that the petitioner deserves to be given benefit of regular bail.

4. Status reports have been filed by the respondent-State. It is admitted that as per DNA report, the semen detected on the vaginal swabs or clothing of the victim has not matched with the DNA blood

profiling of the petitioner and the co-accused. However, it is argued by learned State counsel that there are serious allegations against the petitioner. Material witnesses are yet to be examined. There are chances of the petitioner's intimidating the witnesses or absconding, if extended the benefit of bail. It is also submitted that the only fact that the semen detected on the vaginal swabs and clothing of the victim has not matched with the DNA blood profiling of the petitioner, is not a ground to discard the prosecution version. Hence, it is argued that the present petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record carefully.

6. The petitioner along with the co-accused is alleged to have ravished and committed murder of the victim, who was mother-in-law of the complainant on the intervening night of 11/12.01.2020. The petitioner himself has placed on record a copy of the partly examined testimony/statement of the complainant on oath, which reveals that he has categorically stated that he had seen the petitioner and the co-accused while leaving the house of the victim on 12.01.2020 at about 12.30 PM, when he had gone to visit the victim. Some part of his cross-examination has been conducted and as per the claim of the petitioner himself, he is yet to be cross-examined. The allegations against the petitioner are serious and specific in nature. The period of his

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incarceration cannot be considered to be a sufficient ground for extending benefit of bail to him. Keeping in view the serious nature of offences alleged to have been committed by the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the present petition does not deserve to be allowed at this stage. Accordingly, the same is dismissed.

6. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

05.03.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>