

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

312

CRM-M-52039-2024 (O&M)  
Date of decision: 12.12.2024

**Kapil @ Ramesh****...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Nihul Pratap Singh, Advocate  
for the petitioner.

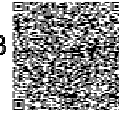
Mr. Neeraj Poswal, AAG, Haryana.

**MANISHA BATRA, J. (Oral)**

1. Prayer in this petition, filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail in case bearing FIR No. 64 dated 04.02.2023, registered under Sections 302, 394 and 34 of IPC at Police Station Pataudi, District Gurugram.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 04.02.2023, on receipt of an information regarding one Rambir @ Rajbir, resident of village Bas Padamka, having been murdered by his companions, a police party had reached at the house of the victim, wherein a written complaint was submitted by Meena Kumari, wife of the victim, alleging therein that on the previous night, the present petitioner along with co-accused Kuldeep and Gulshan had come to her house. They were consuming liquor with her husband. Some verbal altercation started taking place between them. She had tried to intervene but they did not listen to her and then she went inside her room and slept therein. At about 05:30 AM, she

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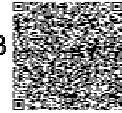


found the dead body of her husband lying in the room. There were strangulation marks on his neck. After registration of FIR, investigation proceedings were initiated. Inquest proceedings and post-mortem examination of the dead body of the victim were conducted. The petitioner was arrested on 05.02.2023. He suffered disclosure statement admitting his involvement in the homicidal death of the victim by saying that he along with co-accused Gulshan had caught hold of the victim and had strangled him to death with an electric wire and then had left his house after taking an amount of Rs. 27,000/- and mobile phone from the pocket of his pant, after his death. Co-accused Gulshan was also arrested, whereas accused Kuldeep was found to be innocent. Presently, the petitioner along with co-accused Gulshan is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 05.02.2023. Co-accused Kuldeep, who had also been named in the FIR, has not been challaned, though as per prosecution case, scuffle had taken place between Kuldeep and the victim. The complainant has not supported the prosecution version in her sworn deposition. There is no other evidence to connect him with the subject crime. The trial is likely to take time. Further detention of the petitioner would not serve any useful purpose. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that there are serious allegations against the petitioner as he along with co-accused had murdered the victim by strangulating him with an electric wire. The recovery of mobile

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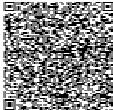
phone of the victim, a piece of wire used at the time of crime and cash amount of Rs. 13,000/- had been effected from the house of the petitioner. Trial may be expedited. As such, it is urged that the petition is liable to be dismissed.

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

6. As per allegations in the FIR, the present petitioner along with co-accused Gulshan and Kuldeep was present along with the victim in the house of the latter on the fateful night and they had consumed liquor. The complainant, who is wife of the victim, in the statement recorded before the police, had disclosed the factum of their presence and a verbal altercation having taken place between the victim and the petitioner and remaining two co-accused. Kuldeep has been found to be innocent during the course of investigation and has not been arrested and challaned.

7. Further prosecution version is that after Kuldeep had left the house of the victim, the petitioner along with co-accused Gulshan had caught hold of the victim and strangled him with an electric wire and then left his house after removing his mobile phone and cash amount of Rs. 27,000/- from the pocket of the deceased. Recovery of the mobile phone belonging to the victim and cash amount of Rs. 13,000/- has been effected at the behest of the petitioner. No doubt, the complainant has not supported the prosecution version as is reflected from her sworn deposition (Annexure P-1). However, the evidence leading to the circumstances in which the death of the victim had been caused is yet to be led by the prosecution. There are serious allegations against the petitioner. The trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of the same. Keeping

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in view the gravity 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, I am of the considered opinion that the petitioner does not deserve to be given concession of regular bail, at this stage. Hence, the petition stands dismissed.

8. 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.

12.12.2024

*Waseem Ansari*

(MANISHA BATRA)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*