

(235) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-57265-2023
Date of Decision: 26.02.2024

AMIT @ CHURI

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Saurabh Dalal, Advocate
for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C in case bearing FIR No.22 dated 02.02.2019 registered under Sections 307, 302, 201, 120-B IPC, 1860 and Sections 25-54-59 of Arms Act, 1959 at Police Station Sahlawas, District Jhajjar.

2. The present FIR came to be registered at the instance of Shamsher Singh son of Fateh Singh and the same reads as under:-

“Statement of Shamsher Singh s/o Fateh Singh caste: Ahir r/o Natheda, tehsil: Kosli aged 63 years. Mob No.9466314507. State that on dated 02.02.2019, I was on duty at Salhawas Pump House with colleague. When we were cleaning Burji No.4, a mutilated dead body of male was noticed. His head, both legs and hands were found in pieces. It was apparent that after committing murder, the dead body has been thrown in the canal to destroy the evidence. Legal action may be taken against unknown persons. Sd/- Shamsher Singh.”

3. During investigation, the body was identified to be that of Deepak son of Rohtash.

Accused Sahil @ Hunter son of Shishram who was already in custody in FIR No.61 dated 18.02.2019 under Sections 399/402 IPC and Section 25 of Arms Act, Police Station Jhajjar confessed about his involvement in the present case along with Sahil @ Hunter, Deepak @ Mota and Amit @ Churi (petitioner).

On 27.03.2019, Sahil @ Hunter, Deepak @ Mota and petitioner were joined in investigation. They got recorded their disclosure statements and demarcated the place of occurrence where they had committed the murder of Deepak son of Rohtash and where they had amputated the body. Sahil @ Hunter specifically named the present petitioner who got recovered the burnt Hyundai Accent Car used in the crime.

Sunil @ Shinde, Janak son of Mahender and Surender @ Bhondu were also arrested through production warrants when they were in custody in FIR No.61 dated 18.02.2019 under Sections 399/402 IPC and Section 25 of Arms Act, Police Station Jhajjar. They also disclosed the place of occurrence where they had committed the murder and had amputated the body of the deceased after which it had been set ablaze and disposed off in the canal. Surender @ Bhondu disclosed that he fired two shots on the body of the deceased, one in the neck and other in the back and co-accused Amit @ Churi had fired a shot in the chest of the deceased.

During investigation, it also transpired that Ravi @ Lala, Subhash @ Baba, Surender @ Bhondu and the petitioner had taken the body

CRM-M-57265-2023

of the deceased to a vacant mixture plant where it had been cut up into multiple pieces.

Later, Rakesh @ Kala and Ravi @ Lala were arrested on 26.04.2019.

The report under Section 173 Cr.P.C. was presented against the petitioner, Sunil @ Shinde, Janak Fauji, Surender, Amit @ Churi, Deepak @ Motu, Sahil @ Hunter and Ravi @ Lala on 23.06.2019. Co-accused Subhash @ Baba was arrested on 01.07.2019 and the supplementary challan against him was submitted on 29.09.2019.

4. The petitioner is stated to be an accused in the following cases:-

(i) FIR No.620 dated 10.09.2014, U/s 457, 380 IPC, P.S, Beri;

(ii) FIR No.635 dated 15.09.2014, U/s 25/54/59 of Arms Act, P.s. Jhajjar;

(iii) FIR No.46 dated 06.02.2019, U/s 457, 380, 411 IPC, P.S. Sadar Jhajjar;

(iv) FIR No.71 dated 01.03.2019, U/s 25/54/59 of Arms Act, P.S. Sadar Jhajjar;

5. The learned counsel for the petitioner contends that the petitioner is named on the basis of the disclosure statements of his co-accused which has little evidentiary value. There was no evidence to connect the petitioner with the alleged crime. One Surender @ Bhondu who is stated to have fired at the deceased had been granted the concession of bail vide order dated 26.07.2023 (Annexure P-1). As the petitioner was in custody since 27.03.2019 and only 03 out of the 38 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded

anytime soon and therefore, the petitioner was entitled to the concession of bail.

6. On the other hand, the learned State counsel while referring to the reply dated 20.01.2024 contends that the deceased had been murdered in a most brutal manner. Firstly, he had been shot dead, his body was cut up into pieces after which it was set ablaze. The recovery of the burnt vehicle had been effected at the instance of the petitioner. Merely because the co-accused had been granted the concession of bail did not entitle the petitioner to the similar concession. Further, the petitioner had criminal antecedents with as many as 04 cases registered against him. Therefore, he was not entitled to the concession of bail.

7. I have heard the learned counsel for both the parties.

8. As per the prosecution case, the petitioner and his co-accused first shot and killed the deceased. Thereafter, they amputated his body and set ablaze along with his vehicle. The said vehicle came to be recovered at the instance of the petitioner. The case of the petitioner is different from that of Surrender @ Bhodu in as much as at the instance of the petitioner, the recovery of the burnt vehicle of the deceased came to be effected. Further, it appears, that the brutal manner in which the deceased had been murdered was not brought to the notice of the Coordinate Bench.

9. In view of the above, I do not deem it appropriate to grant the concession of bail and therefore, the present petition stands dismissed.

10. However, as 12 out of the 38 prosecution witnesses stand examined, the Trial Court is directed to conclude the Trial as expeditiously as

CRM-M-57265-2023

2024:PHHC:026500
-5-

possible preferably within a period of six months from the next date fixed before it.

(JASJIT SINGH BEDI)
JUDGE

26.02.2024
JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No