

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-571-2023
Date of decision: 12.02.2024

HEMANTPETITIONER

VERSUS

STATE OF HARYANARESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Virender Soni, Advocate for the petitioner.
Mr. Vishal Malik, Deputy Advocate General, Haryana.

SANJIV BERRY, J.(ORAL)

1. By way of present petition filed under Section 439 Cr.P.C, the petitioner seeks regular bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
536	18.11.2020	346 of IPC and Section 365, 404, 302, 201 and 34 of IPC added later on.	Sampla, Rohtak.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner is in custody in the present case since 23.11.2020 and trial is already going on and as such prayed for grant of regular bail.

3. Per contra, learned State counsel has opposed the bail application by arguing that the petitioner is named in the FIR. The present petitioner along with his co-accused had given multiple beatings on the head and face of the deceased after abducting him and taking him to the

fields and hence prayed for dismissal of the bail application. He further contends that during investigation, it transpired that the brother of the deceased had seen him in the company of the present petitioner and other co-accused and even the driving license of the deceased was recovered from the possession of the petitioner. He further contended that during trial, the material witnesses have identified the petitioner and supported the case of prosecution.

4. After considering the rival contentions and perusing the record, it transpires that the instant case was registered at the instance of Mukesh who informed the police that his nephew Maninder, aged 25 years, has gone to meet his friend Hemant (the present petitioner) on 16.11.2020 and did not return. Initially FIR under Section 346 IPC was registered but later on the complainant informed that Maninder was forcibly taken away by Pawan, Hemant and Saurabh and during search, dead body was found in the fields to be that of Maninder. Accordingly, the offences under Sections 365, 302, 404, 201 and 34 of IPC were added and the petitioner and other co-accused were arrested.

5. Considering the above facts and circumstances, it is observed that the petitioner is named in the FIR itself and the specific allegations have been levelled against him of having committed murder of Maninder after abducting him along with other co-accused by giving him brick blows repeatedly, in a brutal manner. The driving licence of the deceased was also recovered from the present petitioner and even he was seen in the company of deceased by the brother of deceased.

6. Considering the nature and gravity of the offence, it is observed that no case is made out in favour of the petitioner for grant of regular bail.
7. Accordingly, the petition is hereby dismissed.
8. Before parting, it is apt to observe here that the petitioner is in custody since 23.11.2020, therefore, the learned trial Court is directed to take appropriate steps to dispose of the trial in an expeditious manner. The Superintendent of Police, Rohtak is also directed to ensure due service of summons to the witnesses by deputing a responsible police officer for this purpose.
9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

12.02.2024

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |