

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

CRM-M-61090-2023

Reserved on: 07.02.2024

Pronounced on: 12.02.2024

2024:PHHC: 019543

NAVEEN

. . . . PETITIONER

Vs.

STATE OF HARYANA

. . . . RESPONDENT

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Pankaj Nanhera, Advocate, for the petitioner.

Mr. Pawan Kumar Jhanda, DAG, Haryana.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439, petitioner prays for his release on regular bail in case FIR No.111 dated 14.03.2022 (Annexure P1) under Sections 302/201/404/34 IPC and Section 61 of the Excise Act, registered at Police Station NIT, District Faridabad, Haryana.

2. Status report dated 25.01.2024 by way of affidavit of Vishnu Parshad, HPS, Assistant Commissioner of Police, NIT, Faridabad, on behalf of the respondent/State has been filed.

3.1 FIR was registered on the complaint of Shri Mukesh Kumar, as per which his son Deepak (deceased) had friendship with Naveen (*petitioner*) and used to take drugs with him. On 14.03.2022, complainant received information that his son Deepak was found dead in the house of Ashok (*father of petitioner*). Complainant reached the spot and saw the body of his son lying on the bed with injury remarks on his body. It was alleged by the complainant that petitioner along with others had committed the murder of his son.

3.2 Investigation was set in motion. Statements of witnesses were recorded. Scene of Crime Team was called and the physical evidence was collected. Postmortem of deceased Deepak was got conducted by the Board of Doctors at Civil Hospital, Faridabad, revealed that cause of death was shock and haemorrhage due to multiple injuries as mentioned in PMR and was sufficient to cause death in ordinary course of nature.

3.3 Investigation was assigned to Crime Branch, DLF, Faridabad. Petitioner was joined in the investigation and arrested on 17.03.2022. He suffered disclosure statement and confessed his guilt. He also got recovered mobile phone of the deceased pursuant to his disclosure statement. Petitioner also disclosed the name of other culprits, namely, Farukh, Javed and Manjeet, who were arrested from time to time. After completion of investigation, final report under Section 173 CrPC was submitted in the Court against the petitioner and other co-accused.

3.4 Charges were framed on 14.11.2022 under Section 302/34/404/201 IPC besides Section 61 of the Excise Act. There are 26 witnesses cited by the prosecution, out of which 8 have already been examined. Status report reveals that the material witnesses i.e. PW3 Mukesh Kumar and PW5 Dharmender have duly supported the prosecution version.

4.1 It is contended by ld. counsel that petitioner has been falsely implicated; that private witnesses including the complainant, father of the deceased; Dharmender, the brother of the complainant, have already been examined and that PW5 had admitted that his testimony is based on hearsay. Ld. counsel submits further that the petitioner was not even present at the time of occurrence and that no specific role or injury is attributed to

him. Petitioner is neither the owner of the house from where the dead body was recovered nor was he residing therein. It is also submitted that deceased-Deepak was person of criminal nature involved in many criminal cases.

4.2 Ld. counsel also submits that it is a case of blind murder with no eyewitness or scientific evidence to connect the petitioner with the crime and that co-accused Farukh has already been allowed bail by this Court vide order dated 22.09.2023. Contending that trial may take long time to conclude and that petitioner is in custody for the last more than 1 year and 10 months, prayer is made for grant of bail.

5.1 Strongly opposing the bail petition, ld. State counsel contends that sufficient circumstantial evidence has been collected during investigation, which connects the petitioner with the crime. Though, it is conceded that case is dependent upon circumstantial evidence, but it is submitted that dead body of the deceased-Deepak was recovered from room in the house of the petitioner; that said room was found locked and the dead body was retrieved after breaking the lock of the room.

5.2 Ld. State counsel further points out that as per the evidence collected during investigation including the disclosure statement of the petitioner, petitioner actively participated in the commission of murder as he gave multiple stick blows to deceased-Deepak. Further attention is drawn towards the fact that mobile of the deceased was also recovered from the possession of the petitioner. Criminal antecedents of the petitioner are also pointed out as per details given in para No.17 of the status report. Prayer is made for rejecting the petition.

6. I have considered submissions of both the sides and have

appraised the record carefully.

7. No doubt that case is dependent upon circumstantial evidence, but the mobile of the deceased has been recovered from the petitioner, with no explanation forthcoming at this stage as to how the mobile of the deceased came in the possession of the petitioner. Besides, dead body was found from a locked room of the house of the petitioner. Offence under Section 302 IPC is quite grave in nature entailing punishment even up to death. No doubt that petitioner is in custody for the last 1 year 10 months and 21 days, as per the custody certificate, but when gravity of offence alleged is severe, long period of incarceration or the fact that trial is not likely to take long time either by itself or conjointly may not entitle the accused to be enlarged on bail, as has been observed by Hon’ble Supreme Court in *Chenna Boyanna Krishna Yadav Vs. State of Maharashtra and another” (2007) 1 SCC 242*. Besides, out of 26 witnesses cited by the prosecution, 8 have already been examined.

8. Looking at all the aforesaid circumstances, the gravity of the offence and the role attributed to the petitioner, but without commenting anything further on merits of the case, this Court is not inclined to grant the benefit of regular bail to the petitioner. As such, the present petition is hereby dismissed.

12.02.2024
Vivek

(DEEPAK GUPTA)
JUDGE

1. Whether speaking/reasoned?	Yes
2. Whether reportable?	No