

CRM-M-62269-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-62269-2023
Reserved on: 11.01.2024
Pronounced on: 20.01.2024

Lokesh Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sumit Singh Bairagi, Advocate
for the petitioner.

Mr. Vikrant Pamboo, Sr. DAG, Haryana.

Mr. Nirmal Singh, Advocate for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
577	26.06.2021	Sadar Karnal, District Karnal	302, 201, 364, 120B IPC

1. Aggrieved by the delay in trial despite the directions given by this Court to conclude the trial by 30.09.2023, vide order dated 11.05.2023 passed in CRM-M-6000-2023, the accused has come up before this Court seeking regular bail third time by filing the present petition under Section 439 CrPC.
2. Petitioner’s counsel has argued the case on merits and has raised same points which were initially raised. New point which has been argued is that despite the specific direction by this Court vide order dated 11.05.2023, the trial Court to conclude the trial by 30.09.2023, trial is still continuing and now one application has been filed under Section 319 CrPC which will further delay the trial.
3. State opposes the bail by submitting that it was a case of honor killing and at the instance of the petitioner / his disclosure statement, the place where dead body was thrown got identified and after that on the disclosure statement of co-accused dead body was recovered.
4. I have heard counsel for the parties and gone through the record.
5. The deceased Ricky @ Rocky was just 25 years of age and was a skilled worker of PVC. He was in talking terms with a girl, who was daughter of Hawa Singh and people of the village were aware about their closeness. On 18.06.2021, when Ricky had gone to meet the said girl on whose asking he had gone there, on the way the petitioner and his

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accomplices assaulted the deceased Ricky @ Rocky and after that killed him. It was on the petitioner’s disclosure statement, the place where dead body was thrown, was discovered out and later on the statement of co-accused, dead body was recovered. Thus, there are prima facie clinching evidence connecting the petitioner with the crime. In addition to recovery of dead body, there is an evidence of motive, as such petitioner is not entitled to bail on merits. Regarding delay in trial, it is case of Section 302 IPC, where maximum sentence is life imprisonment and FIR is only of the year 2021, as such, it cannot be said there is delay in trial. Regarding directions of this Court expediting the trial as was made on 11.05.2023, this Court had endeavor that trial be completed for two reasons. Firstly, that crime was heinous and it involves honor killing and secondly accused also does not suffer because of the delay in trial.

6. Now one application has been filed under Section 319 CrPC to arraign another accused. Needless to say that it shall be open for the trial Court to separate the trial qua the other proposed accused. Even counsel for the complainant stated that they would have no objection to such separation. However, it is for the concerned trial Court to take final call regarding separation of the trial considering the facts and circumstances of the case and following the law. This Court is only making observations which is in the shape of guidance and not a direction and this is for the reason that this Court had expedited the trial. Needless to say that trial Court prioritize this matter as per directions given in earlier order and extended further.

7. In the entirety of facts and circumstances of the case, it is not a case for bail. As far as delay of the trial is concerned, victim’s family should not suffer and in case application is filed on behalf of the prosecution, the accused cannot be given benefit of bail for the reason that minimum sentence is life imprisonment and the petitioner would normally be entitled to bail after completing 10 years and not less than 7 years of pre-trial incarceration depending upon the nature of evidence. In the present case, there is discovery of dead body on the basis of petitioner’s disclosure and there is motive for honor killing, he being brother of girl whose boy friend was killed, as such it is not a case for bail even on the grounds of pre-trial incarceration.

8. Petition dismissed with the aforesaid observations. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

20.01.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.