

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-899-2024
Date of decision:-05.03.2025

VIKAS
... Petitioner

Versus

STATE OF HARYANA
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Robin Singh Hooda, Advocate for the petitioner.
Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
397	14.08.2021	302, 201, 34 IPC	Meham, District Rohtak

2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the present case. He contends that petitioner was not named in the FIR nor he is concerned with the alleged occurrence but has been nominated in the case on the disclosure statement of his mother a co-accused. He contends that the case revolves around the circumstantial evidence and he is already in custody



since long. He contends that the witnesses examined by the prosecution have not completely supported the case of the prosecution and as such prays for grant of regular bail to the petitioner.

4. Per contra, learned State counsel has opposed the bail application by referring to the reply submitted by the State and contends that the petitioner is specifically involved in the occurrence where he had in connivance with his mother Sunita committed murder of Karampal alias Rahul by strangulation and has disposed of the dead body by burying him in the floor of the house. He submits that some of the witnesses examined by the prosecution although have turned hostile, but the prosecution case is based on the circumstantial evidence indicating the active role of the petitioner in commission of the said offence. He contends that considering the gravity of offence, petitioner is not entitled for concession of regular bail, hence prays for dismissal of the bail petition.

5. After considering the rival contentions and perusing the record, it transpires that the instant case was registered on the complaint of Satish stating that his brother-in-law Satyavan was married to one Sunita and from whom she was having two sons namely Karampal alias Rahul and Vikas and one daughter, both the sons were unmarried and living with their mother Sunita. Karanpal was having some dispute with her mother for about 2½ months. Said Sunita left the village by locking her house and the whereabouts of Karanpal alias Rahul was not known. He suspected that Sunita along with Vikas might have killed him. Subsequently, during course of investigation on 15.08.2021 the petitioner was arrested, who disclosed having murdered his brother Karampal alias Rahul in connivance with his

mother Sunita and had buried the dead body in the room of their house underneath the cemented floor. Sunita was also arrested on the same day who also discloses on the same lines. The Forensic team along with Magistrate was summoned and the dead body of the deceased was got recovered from the house underneath floor.

6. It is evident from the record that although the FIR was registered on the basis of suspicion but consequent upon the arrest of the petitioner and on his disclosure statement the dead body of his brother was recovered after digging the floor of the house of the accused on his demarcation. The instant case is based on circumstantial evidence and the fact that the dead body of the deceased was recovered at the instance of the petitioner from underneath the floor of his house indicate his direct involvement in the crime, hence looking at the gravity of the offence, it will be premature at this stage to adjudicate the offences coming before the learned trial Court. Therefore, considering the role attributed to the petitioner in the murder of his brother and also his involvement in burial of the dead body underneath the floor of his house does not entitle him for concession of regular bail at this stage, as a consequence, the petition is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

05.03.2025

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