



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

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CRM-M-56418-2024

Date of decision: 18.03.2025

Krishan Kumar

.....Petitioner

Versus

The State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Dinesh Ghai, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. A.G. Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.585 dated 29.09.2018 under Sections 302, 201, 148, 149, 120-B of the IPC registered at Police Station Safidon, District Jind.

2. Reply by way of affidavit of Gourav Sharma, HPS, Deputy Superintendent of Police, Safidon, District Jind, has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is contended that the occurrence in question pertains to the murder of the petitioner's sister-in-law, Pinky, which took place on 28.09.2018. All the co-accused, including Mahipal, (husband of the deceased and brother of the petitioner), were tried and convicted by the learned Trial



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Court on 17.09.2024. However, the petitioner was not initially named as an accused, nor was he charge sheeted along with the other co-accused.

4. It has been argued that the petitioner's alleged involvement in the murder at hand is based solely on a purported telephonic conversation between him and co-accused Mahipal, wherein he is alleged to have instigated Mahipal to eliminate the deceased due to ongoing matrimonial disputes and multiple litigations initiated by her. It has been argued that it is, however, not the case of the prosecution that the petitioner was present at the scene of the crime on the day of the alleged incident; there are no allegations that he provided any weapon of offence or extended any direct or indirect assistance in the commission of the crime.

5. Learned counsel for the petitioner further contends that after presentation of the charge sheet against the petitioner on 06.03.2024, charges were framed on 20.09.2024. However, till date only 01 out of the 29 prosecution witnesses, has been partly examined, and the trial is proceeding at a slow pace, making its early conclusion improbable. It has been further urged by the learned counsel that the petitioner has no previous criminal antecedents.

6. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not disputed that the petitioner was found innocent during the initial investigation and was not charge sheeted along with other co-accused, who have since been convicted. However, learned



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State counsel, on instructions, has asserted that the petitioner had instigated co-accused Mahipal to commit the murder due to the matrimonial disputes initiated by the deceased. It is further contended that the alleged telephonic conversation between the petitioner and co-accused Mahipal has been sent for forensic examination, and the report is awaited. In addition, attention has also been drawn to the allegations levelled in the FIR, which stand reproduced hereinunder:-

“To, The SHO, P.S. Safidon, District Jind, Haryana, Sir, it is requested that I, Pramod S/o Jai Bhagwan, caste Brahmin am a resident of village Joshi, P.s. Madhlauda, District Panipat. We are four siblings. The eldest is my sister Pinky who got married on 26.04.2000 to Mahipal S/o Mange Ram, caste Brahmin, village Bahadurgarh, PS Safidon, District Safidon. After the wedding my sister's husband Mahipal, father-in-law Mange Ram, brother-in-law Krishan and Subassh and brother in-law (devar) Shriram used to harass her on account of dowry. Due to their harassment my sister stayed at our house for many days. Thereafter, on the assurance of the Panchayat my sister came to her matrimonial home but my sister kept facing harassment at the hands of her in-laws. My sister got registered an FIR in 2016 U/s 498-A/323/34 IPC at Women Police Station Jind against her in-laws. After that when Mahipal, Subhash, Krishan and his wife Nirmala, Shriram and his wife Rekha and his brother Mahipal tried to kill my sister and her children, the respectable of the village Bahadurgarh and relatives intervened and got transferred the land of Mahipal's share, situated at Tehsil Safidon, transferred in the name of my sister Pinki's children Anshul and Jai @ Prince because my sister and her children were not given food to eat or a place to stay and nor was the children's school fee was being paid. Since then all the above mentioned accused want to kill my sister. Thereafter, Subhash S/o Mange Ram bought and brought a woman from somewhere from whose loins a son was born to Subhash. After that Subhash and his brother Krishan, Mahipal, Shriram took that woman somewhere and killed her regarding which my sister Pinky gave 15-20 complaints at PS Safidon, DSP Safidon, SP Jind. Women Cell, Human Rights Commission, Delhi and Women Police Station, but the police conducted regular proceedings and filed the same. Thereafter, my sister's in-laws, in connivance with her sister in-law (Nanad) Murti's son Ajit



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resident of Khanpur, Tehsil Gohana, District Sonipat, who is of a criminal nature, conspired to defame my sister and got Ajit to attempt to rape her. Ajit tried to rape my sister and my sister made. A complaint regarding this in the Panchayat of the village but the matter was closed at the Panchayat level itself. After that my sister's husband and above mentioned brothers in law gave money through Ajit and tried to get my sister killed but this came to light before the incident could take place and my sister was saved. After that they again entered into a conspiracy and gave money (supari) to get my sister killed and regarding which there was a recording in the phone of Subhash, brother-in-law (jeth) of Pinky and this fact was disclosed by the bought deceased wife of Subhash and who had brought the phone and given it to Pinky and the recording of which is in our possession. Thereafter, the above mentioned accused also used to forcibly take away the crop from the land transferred in the name of my sister's children. A shop of cosmetics was set up for my sister so that she can sustain herself but the above mentioned persons did not even let that work. The above mentioned persons used to take away stock from the shop also. The above mentioned persons already tried to kill my sister a number of times. A number of times challans have been presented against these persons on the complaints of my sister. Above mentioned persons want to kill my sister. That on 28.09.2018 my sister went to the fields near Safidon road. Mahipal followed her. That Subhash has set up a Kotha in the form of a dhaba in the field. We are convinced that Krishan, Subhash, Mahipal, Shriram S/o Mange Ram and their nephew Ajit and Ajit's younger brother, name unknown, and other accused, in connivance with each other, have murdered my sister and with the intention of disposing of the body, threw the body in the bushes of Singhana Road fields at Bahadurgarh. Passerby have also seen a car parked near the dhaba at 1.00 or 2.00 pm during the day. Above mentioned persons have brutally killed my sister. My sister had herself cleared her matrix exams last year for the sake of the future of her children and had also filled up forms for getting a job and was preparing for exams at home but the above mentioned cruel persons have murdered my sister and cast a shadow upon the future of her children. My sister used to be given brutal beatings even in the presence of my niece and nephew and the children were called illegitimate. On dated 27.09.2018 also my sister called up my mother on the phone and informed that my sister was fought with and my sister was told that you will soon be killed. That today they have, in connivance with each other, killed my sister Pinky. Strict legal action be taken against them.



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Complainant. Sd/- Pramod Kumar son of Late Jai Bhagwan, resident of village Joshi, PS Madlauda, District Panipat, Haryana, Phone No.8750387676."

7. Learned State counsel has also argued that although the petitioner was not directly involved in the execution of the murder, he was a conspirator to the crime. Additionally, the petitioner also suffered a disclosure statement admitting his role in the offence in question. However, upon a specific query posed to the learned counsel for the State as to whether the vehicle allegedly used in the commission of the crime was registered in the name of the petitioner or if it was provided by the petitioner, the answer was in the negative.

8. I have heard learned counsel for the parties and perused the material placed on record.

9. The petitioner has been in custody since 04.03.2024, and the State does not dispute that he was indeed found innocent during initial investigation and was not charge sheeted along with the other co-accused. The only allegation against the petitioner pertains to conspiracy, based on an alleged telephonic conversation, forensic report of which is still awaited.

10. Furthermore, the trial is unlikely to conclude in the near future as only 01 prosecution witnesses has been partly examined so far out of the 29 cited witnesses.

11. Given the nature of the allegations, absence of direct involvement, and there being no certainty of an expeditious trial, further incarceration of the petitioner would serve no useful purpose. In the facts and circumstances as enumerated hereinabove, this Court



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deems it fit to extend the concession of bail to the petitioner.

12. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

13. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

18.03.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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