
(1998) 10 P&H CK 0056

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 23102-M of 1998

Rajesh

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 14-10-1998

Acts Referred:

Citation : (1999) 2 RCR(Criminal) 181

Hon'ble Judges : M.L.Singhal, J

Advocate : D.K. Khanna, Gurminder Kaur, K.S. Dhaliwal, Advocates for appearing Parties

Judgement

M.L. Singhal, J.

1. This is Crl. Misc. 23102M of 1998 whereby Rajesh and Balwan have prayed for the grant of bail to them in case FIR No. 360 dated 20.6.98 registered under Section 302/34 Indian Penal Code of PS Safidon.

2. The prosecution case in brief is that Raj Singh son of Chhaju Ram was employed as Sweeper in Municipal Committee, Hisar. About 78 days prior to 20.6.98, his maternal brother Satbir son of Ram Sarup had gone to Chattar Singh son of Jagu Ram Balmiki resident of Budha Khera for doing labour. Chattar Singh is a relation of Raj Singh. On 19.6.98 at about 11.30 PM, Kela Devi wife of Chattar Singh came to Raj Singh at his village Dhanana. She told him (Raj Singh) that his brother Satbir was lying on the cot of Balwan's house and he was dead. Thereupon, Raj Singh, Ganpat son of Matu Ram, Rameshwar son of Jug Lal and other villagers collected and on 20.6.98 at about 11.30 AM reached village Budha Khera and saw Satbir lying dead on cot under a chhappar in front of the house of Balwan Kumhar. There were ligature marks produced by rope on his neck. There were injuries on his feet and chest. Blood was oozing from mouth. Raj Singh, Chattar Singh, Ganpat, Rameshwar and others inquired in the village about the cause of death of Satbir and they were told that on 19.6.98, Satbir had teased the daughter of Balwan Kumhar. Thereupon, Balwan, Hariya son of Mollar, Rajesh, Pala sons of Hariya, Jita, Surta sons of Balwan and Raj Kumar son of

Ram Krishan, Kumhar residents of village Budha Khera had confined Satbir in a room strangulating him with a rope and inflicted lathi blows and killed him.

3. It has been submitted by the learned Counsel for the petitioners that Rajesh and Balwan are not named in the First Information Report. So far as Raj Singh is concerned, his version is hearsay. Raj Singh does not give first hand information so far as the murder of Satbir is concerned.

4. In this case, we have to look to the statements of the people of the village who are said to have joined in the investigation to know to whom they have attributed the murder of Satbir. Dead body of Satbir was found lying under the chhappar of Balwan. There is the statement of Chattar Singh recorded on 30.6.98 in which he has named Balwan etc. as having caused the murder of Satbir. According to the prosecution, one rassi was recovered in pursuance of the disclosure statement of Balwan. If the width of this rassi corresponds to the width of the ligature mark, that will be a circumstance incriminating Balwan. Chander Parkash, Ram Karan and Badal are witnesses who allegedly saw the accused causing injuries to Satbir. There is the extra judicial confession before Gaje Singh by Surta son of Balwan and Balwan son of Hariya that on 19.6.98 they had murdered Satbir in conjunction with their coaccused Pala son of Hariya, Hariya son of Mollar and Jita son of Balwan and others.

5. In the face of the evidence collected by the investigating agency through investigation, I do not think case for bail is made out for Rajesh and Balwan. Faced with this position, the learned counsel for the petitioners submitted that Rajesh is a young boy of 17 years of age and Balwan is 55 years old. Court should take into account the extreme youth of Rajesh and the old age of Balwan while considering their prayer for bail. Suffice it to say, youth and old age may be consideration so far as the grant of bail is concerned. Seriousness of offence has also to be taken into account simulaneaouly. We cannot isolate the seriousness of the offence while considering the grant of bail from the extreme youth or old age of the offenders. So, this Crl. Misc. Petition fails and is dismissed.