

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

**CRM No. M-13299 of 2015
DECIDED ON: MAY 19, 2015**

RAJESH @ KALA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Jitender Dhanda, Advocate
for the petitioner.

Mr. Charanjit Singh Bakshi, Addl. AG, Haryana.

Mr. Ashish Naik, Advocate for
Mr. Tara Chand Dhanwal, Advocate
for the complainant.

JASPAL SINGH, J.(Oral)

Instant petition has been preferred under Section 439 Cr.P.C. seeking bail to the petitioner in case FIR No. 381 dated July 21, 2012 under Sections 302, 452, 120-B, 34, 202 IPC and Section 25 of Arms Act, 1959 registered at Police Station Sadar, Bhiwani.

2. The contention of learned counsel for the petitioner is that petitioner neither has been named in FIR nor any specific role has been ascribed to him. He has been implicated in the instant case with the aid of Section 120-B IPC that too, on the basis of confessional statement of Sachin @ Golu, which is otherwise not admissible in evidence. Co-accused of the petitioner namely Narinder @ Bunty has already been granted the concession

of bail by this Court vide order dated March 20, 2015 passed in CRM-M-30164 of 2014. The case of the petitioner is rather on better footing than that of Narinder @ Bunty because Narinder was named in FIR as one of conspirators. It has further been argued by learned counsel for the petitioner that petitioner is in custody since the date of his arrest i.e. December 18, 2013. He also undertakes to appear before learned trial Court on each and every date as well as to abide by all the terms and conditions imposed by this Court, in case, he is granted the concession of bail.

3. Learned State counsel as well as learned counsel for the complainant have strongly opposed the petition as well as submissions made by learned counsel for the petitioner submitting that there is a cogent and convincing evidence collected by investigating agency. Moreover, petitioner has already been charge-sheeted to face trial under Sections 302, 452, 120-B, 34, 202 IPC and Section 25 of Arms Act, 1959. The prosecution has examined approximately 20 witnesses out of 53 witnesses. The case of the petitioner also cannot be equated with his co-accused namely Narinder @ Bunty who has already been granted the concession of bail. Accordingly, they prayed for dismissal of instant petition.

4. After hearing learned counsel for the parties and going through the records available, this Court is of the considered view that no case for grant of bail is made out to the petitioner. No doubt, case of prosecution is based upon circumstantial evidence as there is no direct evidence. The complicity of petitioner in commission of murder of Jagbir @ Jaggu came to the surface during investigation when main culprit Sachin @ Golu unfolded his role that he was instrumental in getting committed the murder of Jagbir @

Jaggu. It has further been deposed by him that Kala @ Rajesh arranged for him a sixer and bullets from Sanjay Gujjar; besides making an arrangement of .315 bore two katas and 6/7 bullets from Yogesh who further informed telephonically that Golu will come to receive. Thereafter, on July 16 and July 18, 2012, .315 bore kata and 6/7 bullets were brought. So, case of co-accused namely Narinder @ Bunty cannot be equated with present petitioner.

5. In view of seriousness and gravity of offences complained of as well as serious and specific attribution of petitioner, this Court does not deem it a fit case for the grant of concession of bail to the petitioner. Accordingly, instant petition is dismissed.

MAY 19, 2015
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(JASPAL SINGH)
JUDGE