

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-18546 of 2015

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Date of decision:27.8.2015

Daljeet alias Kalu

...Petitioner

v.

State of Haryana

...Respondent

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(2) Criminal Misc. No.M-21410 of 2015

.....

Anurag alias Sittoo

...Petitioner

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Anshumaan Dalal, Advocate for the petitioner in Cr. Misc. No.M-18546 of 2015.

Mr. Rakesh Nehra, Advocate for the petitioner in Cr. Misc. No.M-21410 of 2015.

Mr. Anmol Malik, Assistant Advocate General, Haryana for the respondent-State.

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Inderjit Singh, J.

This order will dispose of the above mentioned two criminal miscellaneous petitions filed for grant of regular bail in case FIR No.9 dated 8.1.2014 registered at Police Station Sadar Bahadurgarh, District Jhajjar for the offences under Sections 302, 449 and 34 IPC and Sections 25 and 27 of

the Arms Act.

The brief facts of the cases are that the FIR in the present case has been recorded on the statement of Jai Parkash, who stated that his father Bhoop Singh and Ram Chander are two brothers. His uncle Ram Chander has two sons, namely, Basant aged 19 years and Laxman aged 23 years. Approximately 6-7 days earlier to the occurrence, Daljeet had quarrel with Basant due to children as there was allegation that Basant had done bad act with the daughter of Daljeet aged 3½ years. On this, Daljeet complained to Ram Chander. In the day time, Daljeet was roaming in anger and was threatening to see the family of Ram Chander. Daljeet had arms licence. In the evening, he was again threatening to see while having his licensed pistol and gun. But, the family members again sent him back by making him understand. On 8.1.2014 around 7.00/7.30 a.m., when he reached the house of his uncle Ram Chander, the door was open. When he went inside, he saw that the dead bodies of his uncle Ram Chander and Aunty Kanta were lying on the ground. He came out and told his family and his father Bhoop Singh etc. Bijender Ex-Sarpanch came on the spot. He informed the Police.

Notice of motion was issued in these cases. Learned State counsel appeared on behalf of the State and contested these petitions that in view of the nature and gravity of the offences, the bail should not be granted to the petitioners.

Keeping in view the nature and gravity of the offences and the fact that petitioner Daljeet is named in the FIR, motive is attributed to him and further he is stated to be the main accused, I do not find it a fit case

where petitioner Daljeet is entitled to regular bail. Hence, his petition seeking bail is dismissed.

As regards petitioner Anurag alias Sittoo (Cr. Misc. No.21410-M of 2015) as per the disclosure statement of the co-accused, they had actively participated with the main accused Daljeet to commit the murders. During the investigation, petitioner Anurag alias Sittoo made the disclosure statement on 23.8.2014 and on the same day, he got recovered the Ford Figo, which was used in the crime. The trial is going on. The statements of some of the witnesses have been recorded. It is argued that some private witnesses have turned hostile and have not supported the prosecution case. As it is a case based on circumstantial evidence, one pistol is stated to have been recovered from co-accused (non-petitioner) Pardeep and empties lying on the spot, as per the report, were fired from that pistol.

Keeping in view the nature and gravity of the offences and the fact that the trial is still going on and the prosecution is to produce the remaining evidence before the trial Court and the present petitioner during the investigation is found involved in this double murder case, I do not find it a fit case where petitioner Anurag alias Sittoo is entitled to bail. Hence, his bail petition is also dismissed.

Therefore, I do not find merit in the above two petitiones and the same are dismissed.

August 27, 2015.

(Inderjit Singh)
Judge

hsp