

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

* * * * *

CRM-M No. 27141 of 2014

Date of decision : February 24, 2015

* * * * *

Pardeep @ Kancha

.....Petitioner

Versus

State of Haryana

.....Respondent

* * * * *

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

* * * * *

Present: Mr. S.K Daaria, Advocate for the petitioner.

Mr. C.S Bakshi, Addl.A.G., Haryana.

* * * * *

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

RITU BAHRI, J

Present petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No. 326 dated 3.8.2011 registered under Sections 148, 149, 302, 120-B, 216, 420, 467, 468, 471 IPC and Sections 25/54/59 of Arms Act at Police Station Sadar, Bahadurgarh, District Jhajjar.

Complainant Bijender son of Balwan, uncle of deceased has levelled the allegations that on 3.8.2011 he had appeared in criminal case bearing FIR No. 393 of 2007 in the Court of Sh. Ajay Tewatia, the then ASJ, Jhajjar along with his aunt (Tai) Anar Kaur where his nephews Sunil @ Godha, Sandeep son of Devender,

Dinesh son of Umed Singh and Ajit son of Balbir were to appear for hearing. After that case was adjourned for next date at about 4.00 P.M. He was returning with his aunt on motorcycle to Village Mandauthi and aforesaid Sandeep, Sunil along with Sattu @ Satpal son of Chander and Sonu son of Surajpal were in car bearing registration No. DL-3C AW-6131 of Sattu @ Satpal. At about 5.00 P.M, when he reached at bus stand, Dulhera on his motorcycle along with his aunt, his aunt felt thirsty whereupon he brought water for her. In the meantime, he saw aforesaid car coming from the Jhajjar side and Sattu @ Satpal was on the wheels of the car. They were being followed by Santro Car bearing registration No. UK 07 AB-3746 and another car of white colour. They were firing at car of Sattu @ Satpal and before his eyes, the driver of white car parked his car in front of car of Sattu @ Satpal due to which the car of Sattu @ Satpal was stopped. Sanjiv @ Kala, Gyanender @ Gadku and Beerpal were in the white colour car who started indiscriminate firing targeting the persons in the car of Sattu @ Satpal. Rajesh, Mukesh, Kartar, Harish @ Bandar and Pardeep, who were in the Santro Car also started firing indiscriminately at Sunil etc. Thereafter, they fled away and on reaching near the car of Sattu @ Satpal, he found Sandeep, Sunil, Sattu @ Satpal and Sonu dead due to fire shot injuries. The complainant stated that Sandeep etc. were murdered by above named Sanjiv etc. after hatching conspiracy with Ram Chander son of Ramphal and Mukesh @ Munshi son of Begha resident of Mandauthi.

Complainant Bijender has been examined as PW-2 and he stated on oath that on 3.8.2011 at about 5:00 p.m, when he and his aunt Anar Kaur were standing at Dulhera bus Stand after attending the Court at Jhajjar, he saw one Santro Car and one white car intercepting the car of Sattu @ Satpal and occupants of the both cars, namely, Sanjiv @ Kala, Gyanender, Beerpal, Rajesh, Mukesh, Kartar, Harish, Pardeep along with other persons started firing indiscriminately on the car of Sattu @ Satpal in which Sandeep, Sunil, Sattu @ Satpal and Sonu were sitting. Complainant has clearly stated that the accused Pardeep along with his companions had committed murder of four persons by firing indiscriminately at them. The regular bail was declined keeping in view that there were specific allegations against the present applicant-petitioner as he was one of the main assailants of the occurrence. Regular bail has been granted to co-accused Ram Chander vide order dated 27.10.2012 passed by Additional Sessions Judge, Jhajjar keeping in view that his name figured only as conspirator along with two other accused namely Shekhar @ Bobby and Mukesh @ Gunga, whereas, co-accused Mukesh @ Gunga has been granted concession of bail by this Court vide order dated 3.10.2012 on the ground that Mukesh @ Gunga son of Behraj though named in the FIR but was not present at the site where the indiscriminate firing took place.

Counsel for the petitioner had referred to an order granting bail to Sandeep dated 18.11.2014. At this stage, learned State counsel, Mr. C.S Bakshi, Additional Advocate General, Harayna

has argued that Sandeep was granted regular bail as the witness Bijender had wrongly identified Pardeep as accused Sandeep. The petitioner cannot be extended any benefit with regard to bail granted to Sandeep. Moreover as per the affidavit filed by Deputy Superintendent of Police, Jhajjar on behalf of respondent i.e State of Haryana, during the course of investigation, the country made .315 bore pistol was recovered from the petitioner which was sent to FSL, Madhuban on 22.9.2011. As per the affidavit, the petitioner is having a criminal background and involved in following four cases:

(i) FIR No. 192, dated 13.6.2009 under Sections 323, 307, 506, 34 IPC at Police Station Sampla.

(ii) FIR No. 52, dated 28.5.2011 under Sections 365, 302, 201 IPC and 25/54/59 Arms Act., at Police Station Line Paar Bahadurgarh.

(iii) FIR No. 474, dated 25.7.2012 under Sections 323, 506 IPC at Police Station Jhajjar.

(iv) FIR No. 518 dated 11.9.2013 under Sections 42/45 Jail Act and 201 IPC at Police Station Jhajjar.

In my view petitioner has actively participated in the crime in which four lives were lost. Moreover, keeping in view his criminal background and the recovery made from him during the course of investigation, no ground is made out for grant of regular bail to the petitioner.

Dismissed.

February 24, 2015

ritu

**(RITU BAHRI)
JUDGE**