

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

CRM-M-39535-2015

Date of Decision: November 30, 2015

Deepak @ Deepu @ Deepti

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

- 1. *Whether Reporters of local papers 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?***

Present: Mr.Hemant Bassi, Advocate
for the petitioner.

Mr.Pawan Gaur, DAG, Haryana.

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NARESH KUMAR SANGHI, J.(ORAL)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of regular bail to the petitioner, Deepak @ Deepu @ Deepti, who has been booked for having committed the offences punishable under Sections 302, 307 and 427 read with Section 34, IPC, and Section 25 of the Arms Act, in a case arising out of FIR No.920, dated 10.10.2013, registered at Police Station, Civil Lines, Hisar, District Hisar.

Learned counsel at the very outset submits that it is the second application before this Court seeking same relief; earlier petition filed by the petitioner was dismissed as withdrawn since there were some clerical mistakes in the said petition; at the time of registration of the FIR, the names of the petitioner and his co-accused were not disclosed; during investigation the supplementary statements of the informant and alleged eye-witnesses were recorded in which the names of the petitioner and his co-accused were disclosed but during trial the witnesses have specifically admitted that their supplementary statements were not recorded and, as such, the identity of the petitioner has not been established and that the recovery of the fire-arm would not connect the petitioner with the offences for which he has been booked.

On the other hand the learned counsel for the State, on instructions from ASI Suresh Kumar, Police Station, Civil Lines, Hisar, submits that at the time of registration of the FIR, the informant, due to his perplexed condition, could not disclose the name but shortly thereafter his (informant) statement was recorded in which he disclosed the name of the petitioner and the role assigned to him. After the arrest of the petitioner, 9 mm pistol along with two live cartridges were recovered from him

(petitioner). During autopsy, the doctors had recovered the pellets from the corpus of Kishori Lal (since deceased) and the same were sent to Forensic Science Laboratory, Madhuban, (for brevity, 'the FSL'). The report received from FSL would reveal that the pellets recovered from the corpus of the deceased were fired from the firearm recovered from the petitioner and, as such, there is evidence not only of the eye-witnesses but scientific evidence would also connect the petitioner with the offences alleged to have been committed by him.

After hearing the learned counsel for the parties and the submissions made by learned counsel for the State, no ground for grant of bail to the petitioner is made out.

Dismissed.

November 30, 2015
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(NARESH KUMAR SANGHI)
JUDGE