

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

CRM-M-5345 of 2015

Date of decision: 24.03.2015

Raj Kumar

-----Petitioner (s)

V/s

State of Haryana

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Hemant Bassi, Advocate
for the petitioner(s).

Ms. Neelam Kashyap, DAG, Haryana.

HARI PAL VERMA, J.

The petitioner has filed the present petition under Section 439 CrPC for grant of regular bail in case registered against him and other co-accused vide FIR No.117 dated 15.3.2014 for having committed the offences punishable under Sections 147, 148, 149, 323, 307, 343, 452, 302, 120-B IPC read with Section 25 of the Arms Act registered at Police Station Barwala, Distt. Hisar.

As per the case of the prosecution, on 15.3.2014, the petitioner and other co-accused named in the FIR, amongst whom Mopal, Sunil, Banti, Vijay, Rajender, Rakesh, Lila and Satbir sons

of Ramji Lal, residents of Village Balak, District Hisar were armed with deadly weapons i.e. pistols, *lathis* and *dandas*, entered into the house of the complainant and fired 10-12 shots at Sudhan Devi and Kuldip. Thereafter, they fled away from the spot. Kuldip and Sudhan Devi died due to the gun shot injuries received by them whereas Surinder received many gun shots and was shifted to hospital.

Ms. Neelam Kashyap, DAG, Haryana has put in appearance on behalf of the respondent-State.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR and as such, no role has been attributed to him. He further submits that similarly placed co-accused namely Nihala and Inderpal have been granted regular bail by this Court in CRM-M No.39880 of 2014 vide order dated 12.1.2015. Learned counsel further submits that it is only on the basis of disclosure statement that the name of the petitioner has figured in the present case and the disclosure statement is not admissible when it has not led to any recovery.

On the other hand, learned State counsel has argued that the petitioner cannot take any advantage of the bail granted to co-accused namely Nihala and Inderpal, as the role of those accused have been found different. In the case in hand, the co-accused Sushil @ Shilu in his disclosure statement has narrated the fact that the conspiracy of murder of Kuldip and Sudhan Devi was hatched along with the petitioner at his house. She further

states that in the present case, the accused have caused the murder of two persons namely Kuldeep and Sudhan Devi and therefore, the allegations against the petitioner are quite serious in nature. Kuldeep and Sudhan Devi have died on the spot due to firearm injuries whereas the other injured namely Surinder was shifted to hospital for his medical treatment. In this manner, she has opposed the concession of grant of regular bail to the petitioner.

After hearing learned counsel for the parties and taking into consideration the facts and circumstances of the case, I find that the petitioner do not deserve the concession of grant of regular bail. Even if no role has been attributed to the petitioner in the FIR, the fact that co-accused Sushil @ Shilu has clearly stated in his disclosure statement that the whole conspiracy was hatched along with the petitioner namely Raj Kumar son of Ramji Lal resident of Village Balak, District Hisar at his house. It is, thus, clear that the conspiracy started from the house of the petitioner, which resulted into the death of two persons. The plea of the petitioner that the disclosure statement is not admissible, as it has not led to any recovery, is required to be considered at the time of trial.

Thus, considering the seriousness of the matter, where two persons have been murdered, the petitioner do not deserve the concession of regular bail. For the aforesaid reason, particularly when the conspiracy was hatched at the residence of

the petitioner, this Court is not inclined to grant him the concession of regular bail. The similarity claimed vis-à-vis Inderpal and Nihala is not attracted in the present case and role of petitioner is different and conspiracy took place at the house of the petitioner.

Accordingly, the present petition for grant of regular bail to the petitioner is dismissed at this stage.

Needless to say that nothing observed here-in-above, would reflect on merits in the trial of the main case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail.

March 24, 2015
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(HARI PAL VERMA)
JUDGE