

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27198 of 2016
DECIDED ON: August 12, 2016

GAJRAJ @ GAJJI

....PETITIONER..

VERSUS

STATE OF HARYANA

....RESPONDENT..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sanjay Vashisth, Advocate for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana.

JASPAL SINGH, J.

Through the instant petition preferred under Section 439 of the Code of Criminal Procedure, the petitioner has sought concession of bail in case FIR No. 215, dated 01.11.2015, under Sections 302, 201 and 34 IPC, Police Station Hassanpur, District Palwal, during the pendency of trial.

2. The contention of learned counsel for the petitioner is that the petitioner has been falsely implicated in the instant case. In fact, no specific role has been attributed to him. His name is alleged to have been figured during the investigation of the case, that too, on the basis of disclosure statement alleged to have been suffered by the petitioner recorded on 01.12.2015, 04.12.2015 and 05.12.2015. Moreover, as per recovery memo dated 04.12.2015, one spade (Kassi) is shown to have been recovered, which otherwise, does not connect with the commission of the alleged crime in any way. Not only this, even as per the statement of complainant-Ashok Kumar recorded during trial as PW-4, the petitioner has been involved in this case just on the basis of suspicion.

3. Learned counsel for the petitioner has further contended that the trial is still going on and its finalization would take considerable time and in view of the facts and circumstances unfolded by him, the petitioner deserves the concession of pre-arrest bail.

4. On the other hand, learned State counsel has strongly opposed the submissions made by learned counsel for the petitioner and has submitted that in view of the seriousness and gravity of offence complained of against the petitioner and his co-accused, he does not deserve the concession of bail.

5. This Court has given a deep thought to the rival submissions made by learned counsel for the parties and perused the record available. The mere fact that the name of the petitioner does not figure in the FIR does not *ipso facto* mean that he has no concern with the murder of Rajender because in the case in hand, the petitioner has suffered extra-judicial confession admitting his participation in the commission of murder of Rajender. Moreover, allegation levelled against the petitioner can only be seen during the course of trial. The recovery of spade (kassi) has already been effected at the instance of the petitioner in pursuance of his disclosure statement, during investigation of this case, which is stated to be stained with blood.

6. Taking into consideration the seriousness and gravity of offence complained of against the petitioner, this Court does not deem it a fit case to grant the concession of bail. Accordingly, petition stands dismissed.

August 12, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No