

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-2904 of 2016
DECIDED ON: February 04, 2016

Rajesh @ Kala

.....Petitioner...

VERSUS

State of Haryana

....Respondent...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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

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?

JASPAL SINGH, J.

This is a second petition preferred under Section 439 of the Code of Criminal Procedure (for short' "Code") by Rajesh @ Kala seeking bail, in case, FIR No. 381, dated 21.07.2012, under Sections 302, 452, 120-B, 34 and 202 IPC read with Section 25 of the Arms Act, Police Station Sadar Bhiwani.

2. Undisputably, previously petitioner preferred a petition under Section 439 of the Code in this case, which was dismissed on merits by this Court vide order dated May 19, 2015 and subsequent thereto, the instant petition has been filed.

3. The contention of learned counsel for the petitioner is that the co-accused of the petitioner namely Narender @ Banti has been specifically named in the FIR and he has already been granted the bail by this Court.

The other co-accused namely Jitender @ Bitu and Amit have also been

granted the concession of bail vide different orders and the case of the petitioner cannot be differentiated from them. Rather, the name of the petitioner did not figure in the FIR and he was nominated in the instant case during the investigation of this case on the basis of disclosure statement, alleged to have been suffered by him. The petitioner is in custody after the dismissal of his previous petition and there is no substantial change. Moreover, the case of the present petitioner cannot be equated with either Jitender @ Bitu or Amit especially in view of the fact that the petitioner is facing trial in a large number of other cases registered against him in different police stations, in which, he is undisputably facing the trial.

4. In view of the pendency of other cases, this Court does not deem it a fit case to extend the concession of bail. As such, the instant petition stands dismissed.

February 04, 2016
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(JASPAL SINGH)
JUDGE