

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

CRM-M-32591 of 2015(O&M)

Date of decision:19.01.2017

Sandeep

... Petitioner

vs.

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

* * *

Present : Mr. Arvind Singh, Advocate
 for the petitioner.

Mr. Ashish Yadav, Addl. A. G. Haryana.

Mr. Vishal Rattan Lamba, Advocate
for the complainant.

* * *

DEEPAK SIBAL, J.(ORAL)

Through the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 (for short “the Code”) the petitioner seeks regular bail in FIR No.2 dated 01.01.2014 registered under Sections 302, 323, 148, 149, 120-B IPC and 25/ 54/ 59 of Arms Act, at Police Station Samalkha, District Panipat.

Learned counsel for the petitioner submits that the petitioner has been in custody since 12.06.2014; the trial is progressing at a snail's pace and that the star witness of the prosecution namely Jai Bhagwan on being produced before the trial Court has not implicated the petitioner.

On a query posed, learned counsel for the petitioner has very fairly admitted that as per the case of the prosecution the role attributed to the petitioner is identical to that of co-accused Manoj whose petition for grant of regular bail has been rejected by this Court recently through order dated 16.12.2016 which reads as under:-

“This is a petition under Section 439 Cr.P.C.

seeking regular bail in a case registered against the petitioner under Sections 148, 149, 302, 323, 120-B IPC and 25/54/59 of Arms Act, at Police Station Samalkha, District Panipat, vide FIR No.02 dated 01.01.2014.

Learned counsel for the petitioner has submitted that there has been a change of circumstances. The petitioner is in custody for more than two years. He is post graduate in Political Science and his career is going to be spoiled in jail. Moreover, he has not been named in the FIR and was arrested on the disclosure statement of co-accused Lalit.

Plea has been opposed by learned State counsel. He has submitted that out of total 43 witnesses cited by the prosecution, ten have been examined and nine have been given up and remaining witnesses have been summoned for 26.12.2016. He has further submitted that on the date of occurrence, petitioner was following the deceased in his car. Call details of Manoj (petitioner herein), Mohit and Shashi match with each other. Thus, petitioner was intimately connected with the commission of crime. Besides, petitioner has been involved in thirteen other criminal cases.

FIR was lodged on the basis of complaint made by Jai Bhagwan son of Jagan Nath on 01.01.2014. Accused encircled Neeraj and caused injuries to him with their respective weapons, resulting in his death. Role of petitioner is that he followed deceased on the date of occurrence upto Panipat and he was in touch with the co-accused, when crime was committed. It was he, who informed the other accused about whereabouts of the deceased. Due to this, they were able to zero down on Neeraj deceased and kill him. Trial of the case is in progress as ten witnesses have already been examined. Nine PWs have been given up by the prosecution.

Keeping in view the facts and circumstances of the case and the punishment it would entail in the event of conviction for commission of offence, I am of the considered view that petitioner is not entitled to concession of bail at this

stage.

Dismissed.

Nothing said herein above, shall be considered to be an expression of opinion by this court on the merits of the case”.

In view of the admission that the role attributed to the petitioner and that of Manoj is identical whose bail has been rejected through the afore-quoted order for the reasons mentioned therein, with which I concur, the petitioner is also held not entitled to the grant of bail.

Learned State counsel has further submitted that the petitioner's call details which were procured during the investigation revealed that before and after the murder of the deceased it was the petitioner who on regular intervals, through telephonic calls, was giving out the location of the deceased to Lalit and Neeraj who as per the information supplied by the petitioner located the deceased and murdered him.

In view of the above, I am of the considered view that the petitioner is not entitled to the concession of bail.

Dismissed.

Nothing said hereinabove shall be considered to be an expression of opinion on the merits of the case.

January 19, 2017
rimpal

(Deepak Sibal)
Judge

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No