

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

**CRM-M No.42038 of 2017  
Date of Decision : 13.11.2017**

Krishna Pandey @ Pankaj @ Golu

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present : Mr. Manuj Nagrath, Advocate  
for the petitioner.

Mr. Luvinder Sofat, Asstt. Advocate General, Punjab  
for the respondent-State.

**SUDIP AHLUWALIA, J. (ORAL)**

The instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking regular bail on behalf of the petitioner in case FIR No.80 dated 9<sup>th</sup> June, 2017, registered under Sections 302, 397, 449, 34, 120-B of the Indian Penal Code and Section 25 of the Arms Act at Police Station Dugri, District Ludhiana.

The petitioner was arrested on 16<sup>th</sup> June, 2017 during investigation.

It has been contended on behalf the petitioner that he

was not named in the original FIR, and there is no other incriminating material against him except the statement of a co-accused, which being inadmissible in law, cannot be used against him.

It emerges that the dual murder had taken place in which two culprits namely Sandeep and Raju Tiwari were involved. The weapon of offence was allegedly a country-made pistol, which was subsequently recovered during investigation. The accused, namely Raju Tiwari, who happens to be otherwise a relative of the present petitioner had allegedly suffered a disclosure statement to the effect that he had obtained the weapon of offence along with as many as 25 live cartridges from the present petitioner, who in turn had purchased the same from another accused namely, Sumit Parshad. It was further mentioned in the disclosure statement that accused Raju Tiwari, had paid a consideration amount of Rs.40,000/- to the petitioner towards the aforesaid country-made pistol and ammunition by way of deposit in the petitioner's bank account. Transfer of such money has been apparently verified during investigation.

It is however the contention of Ld. Counsel for the petitioner that there is nothing wrong in receiving any money from

Raju Tiwari, since admittedly he happens to be the petitioner's relative, and so such transfer *ipso facto* would not mean that it was in any manner conducted to the conspiracy involving the various offences mentioned in the FIR.

In the opinion of this Court, the fact that monetary transaction in lieu of the alleged sale of the illegal fire-arms and ammunition has actually been established, the disclosure statement of the co-accused cannot be regarded as outright inadmissible.

Even otherwise it has come on record that the petitioner is a Serving Personnel in the Defence Services. The nature of allegations and material transpires against him in the given circumstances would appear to be a particularly undesirable. At this stage of trial when even the first prosecution witness is yet to give evidence in the case, this Court finds no reason to grant the benefit of bail to the petitioner.

Dismissed.

**November 13, 2017**

Dpr

**(SUDIP AHLUWALIA)  
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No