

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

HEMLATA
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CRM-M-30647-2018 (O&M)
Date of decision 14.08.2018

Sumit @ Kala @ Boxer

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Amit Choudhary, Advocate,
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition is for grant of bail pending trial to the petitioner in case FIR No.464 dated 18.10.2017 under Sections 307, 302, 120-B, 34 of IPC and Sections 25, 54, & 59 Arms Act, registered at Police Station City Kaithal, District Kaithal.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and the co-accused of the petitioner has been granted concession of bail by the trial Court. It is further contended that although, there are other cases against the petitioner, however, this factor is not relevant for the purpose, at the time of consideration of the case. For this purpose, he has relied upon the order dated 12.01.2018, passed by this Court in CRM-M-6872 of 2017. Counsel for the petitioner submits that the evidence against the petitioner is in the nature of statements of the co-accused, which are not relevant under Section 27 of the Evidence Act. It is further contended that the material witnesses have already been examined by the prosecution. The allegation against the petitioner is that he has supplied the arms to the main accused. However, as

per the evidence, it has come on record that the arms actually used in the murder in question, have not been supplied by the present petitioner.

On the other hand, learned counsel for the State has submitted that the petitioner is one of the members of the gang involved in the criminal activities. In fact, it is the petitioner, who has supplied the arms to the members of the group, who are indulging in these activities, including the incident of present murder. Learned counsel for the State has referred to the custody certificate, placed on record, which shows that there are 12 more cases against the petitioner, including the cases of Arms Act, attempt to murder and causing injuries etc.

Having heard learned counsel for the parties, this Court is of the considered opinion that the offence involved in this case is very serious offence. The petitioner is alleged to have supplied the arms. Whether the arms actually supplied by the petitioner have been used in the commission of murder in the present case or not, is immaterial for the bail. In any case, it is submitted by counsel for the State that there is other evidence in the form of call details of two telephone numbers, out of which, one is stated to be with the present petitioner.

Besides this, the record of the petitioner shows that the petitioner is a habitual offender. The most of prosecution witnesses are yet to be examined by the prosecution. In this situation, if the petitioner is released on bail at this stage, then, the possibility of influencing the witnesses by the petitioner cannot be ruled out as is seen from the antecedents of the petitioner.

In view of the above, this Court does not find any merit in the present case. The petition is dismissed. However, anything said in this order shall not be having bearing on the merits during the trial.

(RAJBIR SEHRAWAT)
JUDGE

14.08.2018
Hemlata

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No