

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

I.

CRM-M-42054 of 2017
Date of Decision: 29.11.2018

Tinku

....Petitioner

VERSUS

State of Haryana

....Respondent

II.

CRM-M-20964 of 2018

Vikram @ Vicky

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Arjun Sheoran, Advocate
for the petitioner in CRM-M-4254-2017 and
for the petitioner in CRM-M-20964-2018

Mr. Raj Kumar Makkad, DAG, Haryana.

Mr. Mandeep Singh Khillan, Advocate,
for the complainant.

RAJ SHEKHAR ATTRI, J.(Oral)

The present petitions have been filed under Section 439 Code of Criminal Procedure (in short, “Cr.P.C”.) for grant of regular bail to the petitioners in case FIR No.1323 dated 8.12.2016 registered for the offences punishable under Sections 148, 149, 302, 307, 341, 506, 120-B of Indian

City Karnal.

Heard.

This case relates to murder of three persons namely Naresh, Rajesh and Gulab and their other companions were seriously injured.

It is the allegation that the deceased and his other friends were going to Ramdev Colony in a vehicle on 8.12.2016 to attend a marriage. The vehicle was being driven by Naresh and Rajesh was sitting on the conductor seat. Manoj and Gulab were sitting on the rear seat.. The complainant and Amit Kumar was sitting on the last seat. When they reached near Grain Market Chowk, they were waylaid by a criminal gang consisted of 8 to 10 persons headed by Kaptan Singh and all of them alighted out of a Fortuner vehicle. All were armed with pistols and guns. First of Kaptan Singh started indiscriminating firing on the vehicle in which complainant and deceased were riding and then other accused also fired in the same manner. In this incident, there were two deaths at the spot whereas Gulab succumbed to the injuries later on and numerous persons were injured. Thereafter, the assailants escaped from the spot.

I have heard the learned counsel for the parties and gone through the record.

Learned counsel for the petitioner submits that the name of the petitioner is not mentioned in the FIR and that he has been arraigned solely on the ground of disclosure statement of co-accused which is not admissible into evidence. Reliance has been placed on the disclosure statement (Annexure P-3) of Tinku wherein he has disclosed the modus operandi.

On the other hand, learned State counsel has stated that the

the statement of the petitioner as well as his other-accused are admissible into evidence and further that the trial is in near completion.

This Court has heard the rival contentions of both the parties and gone through the material available on record.

The evidentiary value of the disclosure statement of the petitioner shall be considered at the appropriate stage. Apart from that, accused Tinku had arranged a rental accommodation for one month solely to accommodate the remaining accused and the conspiracy was hatched in that room.

Without expressing any opinion on merits of the case, this Court is of the opinion that the petitioners in both the cases are not entitled to the benefit of regular bail.

Accordingly, both the aforesaid petitions are dismissed. Registry is directed to return the entire Original record forthwith.

November 29, 2018

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No