

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH

CRM-M No.3235 of 2019
DATE OF DECISION:05.02.2020

Karambir @ Sonu

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR.JUSTICE LALIT BATRA

Present: Mr. Ram Bilas Gupta, Advocate for the petitioner.

Mr. Sandeep Vashisht, Deputy Advocate General, Haryana.

LALIT BATRA, J. (Oral)

Present petition under Section 439 Cr.P.C. is for grant of regular bail to petitioner-**Karambir @ Sonu** in case F.I.R. No.669 dated 27.08.2017 under Sections 148 and 302 IPC read with Section 149 IPC and Section 25 of Arms Act registered at Police Station Sadar Palwal, District Palwal.

Learned counsel for the petitioner *inter alia* contends that the allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further submits that there was inordinate delay of more than 10 hours in registration of FIR and that too unexplained one. He further submits that neither any specific role has been attributed to the petitioner nor he had inflicted any injury on the person of deceased rather at the time of alleged occurrence petitioner was not present at the alleged spot of crime. He further submits that final report under Section 173 Cr.P.C. has already been presented in the Court and trial has already commenced. He further submits that prosecution

witnesses namely Parmanand and Anand Sharma, alleged eye witnesses, have not supported the cause of prosecution. He further submits that petitioner is in custody since 02.09.2017. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner (accused) in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that petitioner along with co-accused while armed with deadly weapons and in prosecution of common object of unlawful assembly committed murder of Jagat Singh. He further submits that petitioner is the main accused and he got recovered one Countrymade pistol (W/1), one live cartridge and one empty cartridge case (C/1) and motorcycle bearing registration No.HR-30N-3456, which was used in the commission of offence. He further submits that in terms of FSL report dated 12.12.2017, it is quite evident that .315” fired bullet (BC/9) stated to have been recovered from the body of deceased as well as .315” fired cartridge case (C/1) and .315” fired bullet (BC/1), stated to have been lifted from the place of occurrence, the same have been fired from Countrymade pistol (W/1) recovered from petitioner and not from any other fire-arm even of same make and caliber. He further submits that Chander Singh-complainant (PW-5) when appeared in the witness-box has corroborated the prosecution version and especially role of petitioner in the commission of offence. He further submits that trial of

the instant case is at its advanced stage. He further submits that keeping in view attributed role of petitioner and seriousness of offence, he does not deserve the concession of bail.

I have heard learned counsel for the parties.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that trial of instant case is at its advanced stage, thus, keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

As a sequel to above, instant petition for grant of regular bail moved by the petitioner is dismissed.

(LALIT BATRA)
JUDGE

05.02.2020
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No