

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.218

CRM-M-17272-2020 (O&M)

Date of decision : 11.8.2020

Sanjay @ Sanju

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Saurabh Sharma, Advocate, for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. Rishi Nijhawan, Advocate, for the complainant.

SUDHIR MITTAL, J. (Oral)

Reply dated 7.8.2020 has been filed in Court today by learned State counsel, which is taken on record. A copy thereof has already been supplied to learned counsel for the petitioner.

The petitioner seeks regular bail in case FIR No.540 dated 25.11.2019, registered at Police Station Civil Line Kaithal, District Kaithal, under Section 307 IPC (Section 120-B IPC added later on) and Section 25 of the Arms Act, 1959.

According to the FIR, the car of the brother of the complainant was fired upon when being driven by the complainant. Next day, a ransom call was also received.

Learned counsel for the petitioner submits that the petitioner has been in custody since 3.12.2019. The trial is not likely to be concluded

commenced. The petitioner has been involved in the present case on the basis of a disclosure statement suffered in some other case. Even, according to the disclosure statement of the petitioner, he allegedly hatched a conspiracy to extort money, but did not fire at the car owned by the brother of the complainant. Thus, the petitioner deserves to be released on regular bail.

Learned State counsel, on instructions from ASI-Rajesh Kumar submits that the link evidence is available to connect the petitioner with the present crime. After the call for ransom was received by the brother of the complainant, the police conducted a raid and arrested the petitioner and recovered an unlicensed weapon from him alongwith some ammunition. It was only then that the petitioner suffered a disclosure statement admitting that the present crime had been master-minded by him. The call records corroborate the allegation that the petitioner had called the brother of the complainant and was in touch with the co-accused. There are 07 other criminal pending cases against the petitioner. Thus, he does not deserve to be released on regular bail.

Learned counsel for the complainant supports the submissions made by learned State counsel. He further submits that pursuant to the registration of the FIR, recovery has been effected from the petitioner and his involvement has been established.

From the submissions made by either side, I am satisfied that prima facie involvement of the petitioner has been established. Call records exist and they clearly establish that the petitioner had called the brother of the complainant and was in touch with his co-accused. Recovery of arms

collected by the police, the involvement of the petitioner cannot be said to be whimsical. Moreover, the petitioner is a hardened criminal as is evident from the fact that there are other 07 criminal cases pending against him. Thus, he does not deserve any discretionary relief.

The petition is accordingly, dismissed. Nothing stated hereinabove shall be construed to be an opinion on the merits of the case.

(SUDHIR MITTAL)
JUDGE

11.8.2020
Ramandeep Singh
Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No