

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

CRM-M No.19966 of 2020 (O&M)

Date of Decision: 08.09.2020

Ganga Ram

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Navkiran Singh, Advocate for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana for the respondent.

Mr. Parveen Kaushik, Advocate for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in case FIR No.128 dated 23.04.2019, under Sections 148, 149, 341, 307, 302, 120-B of the Indian Penal Code, 1860 and Sections 25, 27 of the Arms Act, 1959, registered at Police Station Sadar Jhajjar, District Jhajjar.

As per prosecution case, in the year 2015, one Narender son of Jagbir was murdered, in which, maternal uncle-Jitender @ Pappu of the complainant-Shamsher is confined in jail. In that case, Padam and Vivek, both sons of above Jitender, were also implicated, but released on bail. Due to murder of Narender, a bad blood started between the sons of Jitender and family of Narender. On 23.04.2019, Padam along with his friends, namely, Ajay and Aman was travelling in his Car bearing registration No.DL-9CG-9679 OPTRA. At about 10:15 AM,

when they reached near the fields of Saroop and Kanwar Singh, the complainant party came across with Fortuner, Ritz, Santro and motorcycles occupied by Golu son of Hansraj; Anil son of Gyasi; Sonu son of Hansraj; Amit son of Saroop; Bintu son of Surajmal; Ganga Ram son of Deep Chand, Manje son of Ganga Ram; Sandeep son of Jagbir, Gaydu son of Surajmal; Hansraj son of Kanwar along with 4/5 other boys, armed with licensed weapons, waylaid their vehicles against the vehicle of Padam. Anil and Sandeep were armed with pistols, whereas Sonu was armed with *doga* pistol. All were armed with weapons and they immediately appeared by waving their weapons. Golu as well as Anil were monitoring the assailants and raised their voice for mitigating their grudge regarding the murder of Narender. Padam tried to sideline his vehicle, but it toppled off in the field. All accused started opening the fire. Padam, Aman and Ajay alighted from the vehicle and tried to flee away from the spot, but Golu immediately opened fire and chased them. He also opened fire upon Aman. Thereafter, Padam was cordoned off. Accused Sandeep, Golu, Anil, Amit as well as Bintu fired bullets upon Padam and he died on the spot. Assailants fired upon complainant also, but he escaped and fled away.

Contends that petitioner is in custody since 27.04.2019 and after investigation in the matter, report under Section 173 Cr.P.C. has already been presented, but charges are yet to be framed. Also contends that there is no other criminal case pending against the petitioner. Further contends that although petitioner is named in the FIR, but there is no role attributed to him.

On the other hand, learned State Counsel, on instructions from the police official concerned as well as learned Counsel for the complainant, opposed the present bail application and submitted that petitioner is duly named in the FIR;

he was present at the time of occurrence and actively participated in the commission of offence.

Heard learned Counsel for the parties and perused the paper-book.

Concededly, petitioner is specifically named in the FIR and he was present at the time of occurrence. The assailants committed the murder in broad daylight and both the parties are known to each other. Since charges are yet to be framed, thus, at this stage, it would be very difficult to comment that petitioner has not played any role in the commission of offence.

Keeping in view the fact that petitioner was alleged to be present at the time of occurrence, thus, this Court is not inclined to grant the concession of bail pending trial to him at this stage.

As a result thereof, the present petition is dismissed.

The above observations may not be construed as an expression of opinion on merits of the case.

September 08, 2020
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>