

In virtual Court

CRM-M-25390-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25390-2020 (O&M)
Date of decision: 14.10.2020

Ashok @ Shoki

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Raj Kapoor Malik, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

This is 2nd petition for grant of regular bail in FIR No.240 dated 05.06.2016 under Sections 148, 149, 302, 307, 120-B IPC and Section 25 of Arms Act (Section 216 IPC was added later on), registered at Police Station Safidon, District Jind; earlier one was dismissed on merits vide order dated 17.07.2019 passed in CRM-M-15507-2019.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Raj Karan, he has one brother namely Virender @ Narender and they are running a hatchery in Sahanpur under the name of Virender Hatcherry and wife of Virender @ Narender namely Manju Rani is Sarpanch of the village in the current plan. On the date of incident, he along with his brother and brother-in-law Satpal and Manju Rani were going in

a vehicle from Safidon to Sahanpur and the vehicle was driven by Satpal. When they reached at Sahanpur Road, two vehicles came from the backside and by stopping one vehicle, they obstructed the path and 7-8 boys came out of the vehicle and started firing. Satpal received 2-3 fire shot injuries and thereafter, Virender @ Narender alighted from the vehicle and gone towards the fields and he was chased by the assailants. He also received the fire shot injuries and thereafter, he was given more fire shot injuries and was killed at the spot. It is further stated that the complainant has enmity with one Rajender, as his brother Satpal was murdered by some unknown persons.

Learned counsel for the petitioner further submits that the petitioner is not named in the FIR, however, during the investigation of another FIR, in which he already stands acquitted, his confession was recorded and he was involved in the present case. It is further submitted that some of the co-accused have already been granted the concession of regular bail by this Court.

Learned State counsel has filed the status report by way of affidavit of Deputy Superintendent of Police, Detective, Jind. In this affidavit, it is stated that during the investigation, the petitioner was arrested with the aid of Sections 120-B and 216 IPC. It is further stated that the petitioner is shown to be involved in as many as 21 FIRs and one more FIR No.135 dated 03.07.2016 under Sections 186, 353, 307, 483 IPC read with Section 25 of Arms Act, Police Station Sadar Kaithal was registered against the petitioner on the complaint of one ASI Jitender Kumar, as he was on police barrier. When they asked to stop the car, the occupants thereof started firing on the police party, who had a narrow escape. The petitioner was apprehended at the spot in the said

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FIR and later on, when search of the car was conducted, one country-made pistol, two daga guns 12 bore and 47 cartridges of different bores were recovered. RC of the car was found to be forged. It is also stated that during the investigation, the petitioner confessed about committing of offence in the present FIR.

Learned State counsel submits that trial in the case has started and out of total 70 prosecution witnesses, 41 PWs have already been examined and in case the petitioner is granted regular bail, there is every possibility of tempering with the evidence.

After hearing learned counsel for the parties, considering the antecedents of the petitioner and his involvement in number of cases, I find no ground to grant him regular bail.

Dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

14.10.2020

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No