

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

**CRM-M No.31351 of 2020 (O&M)
Date of Decision: 05.11.2020**

Krishan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Ashok K. Sharma Bhana, Advocate for the petitioner.

Ms. Safia Gupta, AAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Second petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in FIR No.1027 dated 26.12.2017, under Sections 302, 34, 397 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station City Jind, District Jind.

As per prosecution case, deceased-Chanderpal along with his cousin, namely, Surinder Kumar (complainant), was working in a Poultry Farm of one Kuldeep, where deceased looked after the cash transactions. On 26.12.2017 at about 9:00 AM, deceased dropped the complainant at Poultry Farm and went towards Sheetalpuri Colony to collect Rs.22 Lakh from the house of above Kuldeep. When deceased after collecting the money reached in front of Poultry Farm, two unknown young boys alighted from a White colour Swift Dezire Car

bearing registration No.HR-31-7500, which was being driven by third assailant. Above two assailants, who alighted from Swift Car, were wearing white colour clothes; muffled their faces and armed with Pistols and aimed at the deceased with an intention to snatch the amount and fired upon him, due to which, he fell down on the ground. The assailants took the bag of money and fled away from the spot towards Narwana side in their Car. Complainant, who was the eye-witness of the crime, shouted; upon which, shopkeepers/neighbors gathered there and they shifted Chanderpal (deceased) to Hospital, where doctor declared him brought dead.

Contends that petitioner is in custody since 07.11.2018 and after investigation, challan has already been presented and even the prosecution evidence is going on. Also contends that out of total 43 prosecution witnesses, only 20 have been examined, thus, on account of the present pandemic, trial is likely to take sufficient long time. Further contends that petitioner is having three minor daughters along with old mother and there is no male family member to look after them. It is also the contention that three co-accused, namely, Pooja, Ishrar and Mukesh Kumar have been granted the concession of bail by learned trial Court.

On the other hand, learned State Counsel has opposed the prayer and submitted that complicity of the petitioner is well apparent as during investigation, an amount of Rs.4,95,000/- along with the unlicensed .315 bore pistol as well as 05 live cartridges were recovered from him. Also submitted that allegations against the petitioner are very serious in nature and in case released on bail, he is likely to hamper the trial.

Heard both sides and perused the paper-book.

Since heavy recovery of cash amount i.e. Rs.4,95,000/- along with the unlicensed .315 bore pistol as well as 05 live cartridges were recovered from the petitioner, therefore, his complicity at this stage cannot be doubted for the purposes

of bail. Moreover, the allegations are very serious and above all, learned State Counsel has specifically objected that in case petitioner is released on bail, he is likely to hamper the trial.

So far as co-accused Ishrar is concerned, the police have recovered only an amount of Rs.2000/- during investigation.

This Court has already gone through the order dated 01.05.2018, passed by learned Additional Sessions Judge, Jind, granting bail to co-accused Pooja and same indicates that she has been granted the concession of bail primarily on the ground that she was a juvenile at the time of occurrence.

From co-accused Mukesh Kumar, nothing was recovered from him during investigation and on that count, he was granted bail pending trial, thus, petitioner cannot take any benefit of parity qua the aforesaid three co-accused.

In view of the above, this Court has no option except to dismiss the present petition.

Ordered accordingly.

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

November 5th, 2020

Gagan

**(MAHABIR SINGH SINDHU)
JUDGE**

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