

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

**CRM-M No.31546 of 2020
Date of Decision : 18.11.2020**

Bhupender @ Kana @ Kala

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Rajat Mor, Advocate
for the Petitioner.

Mr. Anmol Malik, Dy. Advocate General, Haryana
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.75, dated 30th March, 2017, registered under Sections 148, 149, 302, 307 of the Indian Penal Code, 1860 (subsequently added Section 120-B of the IPC) and Section 25 of the Arms Act, 1959, at Police Station Salhawas, District Jhajjar.

2. It has been submitted by Ld. Counsel for the Petitioner that his client has by now remained in detention for 3 years and 7 months since 19th April, 2017.

3. Ld. Counsel further submits that all the other co-accused persons in the case are already on bail and only the present Petitioner remains incarcerated till now.

4. The prayer for Bail is nevertheless opposed on behalf of the State.

5. Ld. Counsel for the State submits that so far two main private witnesses from the Prosecution Side have been examined. But their cross-

examination had been deferred at the instance of the Defence Side itself, and the matter is now fixed on 10th of January, 2021 in the Ld. Trial Court for that purpose.

6. After hearing submissions of Ld. Counsel for both sides, this Court finds that the allegations against the Petitioner in the FIR are direct. He is named as being the Culprit along with one Sudhir, and had allegedly fired at the Victim-Satyawan, who later succumbed to such gun-shot injuries. Admittedly, during investigation co-accused Sudhir was found to be innocent. But that by no means can be understood to give rise to any automatic supposition that the Petitioner, against whom additional material was collected during investigation, is altogether innocent of the offence imputed to him in the FIR. He also does not stand on parity with co-accused Jitender @ Kalta, who was separately granted bail by this Court in CRM-M No.17243 of 2020 on 14th July, 2020, since the said accused was not named in the original FIR.

7. For the above reasons, this Court finds no justification to enlarge the Petitioner on Bail at this stage specially when cross-examination of the main private witnesses from the Prosecution Side still remains to be conducted.

8. Dismissed.

November 18, 2020

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No