

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-39061 of 2020

Date of decision:01.12.2020

Priyavart @ Kukki Deva

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Kuldeep Sheoran, Advocate, for the petitioner.

Mr. Abhinash Jain, Deputy Advocate General, Haryana
for the respondent-State.

SUVIR SEHGAL J.

The hearing of this petition has been taken up through video conferencing on account of the outbreak of coronavirus (Covid-19) pandemic.

Through the present petition, the petitioner is seeking grant of regular bail in FIR No.39 dated 19.05.2020 registered under Sections 120-B, 147, 148, 186, 302, 332, 353 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 (later on Section 120-B was deleted and Section 212, IPC and Section 29 of Arms Act, 1959 was added) at Police Station GRP Hisar, District GRP Ambala Cantt.

As per the version of the prosecution, FIR was registered on the statement of Satish Kumar son of Jai Bhagwan, who stated that he is serving as Constable in the Railway Police Force (RPF), Police Station Sadar Jind. He stated that information was received in the Police Chowki that about 5 to 6 boys were sitting on railway track between Uklana Station and Bhuna Road, Railway Gate and were carrying out illegal activities. He, alongwith Constable Vinod Kumar who was in his uniform, and Manish Kumar SI,

Incharge RPF Chowki Uklana, who was in his civil dress (without uniform) immediately rushed to the spot. Manish Kumar asked the boys their names, who identified themselves as Sandeep, Pawan @ Modi, Shella and Fauji. A fifth boy was also present at the spot but before he could identify himself, the boys started confronting the police officials. They took out the weapons, which they were carrying and Sandeep shot Manish Kumar SI on his chest who fell down on the spot. On hearing the sound of the shot, people started gathering and the boys ran away and could not be caught despite being chased. Manish Kumar was immediately rushed to the hospital but was declared brought dead. During the course of investigation, the petitioner was found to be involved and he was arrested on 07.06.2020.

Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case and the whole story is concocted. According to him, the petitioner was neither present at the spot nor was he involved in the murder. He submits that the petitioner was in custody in some other case and has been arraigned on the basis of the disclosure statement of a co-accused, which is inadmissible in evidence.

Counsel for the State upon instructions from ASI Rajender Singh, has opposed the petition and submitted that the petitioner is alleged to have supplied the *desi katta* (country made pistol) alongwith live cartridges to Sandeep, who shot dead a police official. This fact had been revealed by Sandeep during the course of his statement before the police. Still further, State counsel submits that a number of cases have been registered against the petitioner and he is a habitual offender. As per his instructions, the challan has been presented and the charge has been framed against the petitioner.

I have considered the rival submissions of the parties.

The allegations against the petitioner are extremely serious. He is probably a supplier of country made pistol. Not only the firearm, but even the live cartridges have been supplied by him to the main accused, who shot dead a police official while he was discharging his official duties. The nature of allegations being extremely grave, the petitioner is not entitled to the concession of bail.

Still further, even the antecedents of the petitioner do not warrant grant of bail to him. The petitioner is involved in five other cases. The details of which are as under:-

- i) FIR No.59 dated 21.02.2010 registered under Sections 323, 341, 147, 149 IPC at P.S. Julana, in which proceedings have been dropped by the Court at Jind on 17.12.2011;
- ii) FIR No.155 dated 07.07.2015 registered under the Arms Act, 1959 at P.S.Julana, in which the petitioner has been acquitted on 11.07.2019;
- iii) FIR No.286 dated 20.09.2018 registered under the Arms Act, 1959 at P.S. Narnaud which is pending trial;
- iv) FIR No.157 dated 29.05.2019 registered under the Arms Act, 1959 at P.S.Sadar, Jind which is under trial;
- v) FIR No.363 dated 04.06.2020 registered under the Arms Act, 1959 at P.S.Sadar, Hisar, in which the petitioner is facing trial.

All the FIRs, including the present one, pending against the petitioner have been registered under the Arms Act, 1959. The Court has been informed that allegations in these FIRs against the petitioner are also

similar i.e. he is alleged to have supplied country made pistol and ammunition to different persons. The release of a person with such criminal antecedents is likely to pose a threat to the security of the State and disturb the peace and tranquility of the society.

Keeping in view the above facts and circumstances, this Court is of the view that the petitioner cannot be granted the concession of regular bail. The petition is, accordingly, dismissed.

It is clarified that any observation made hereinabove shall not be construed to be an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

December 01, 2020
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes