

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

CRM-4914 of 2021

DECIDED ON: 9th FEBRUARY, 2021

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.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Ms. Pancy Singh Soni, Advocate for
Mr. Virat Rana, Advocate for the petitioner.

Mr. Deepak Bhardwaj, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is second petition filed for grant of bail in FIR No. 632 dated 29.11.2018, under Sections 302 read with 34 IPC(Later on added Sections 404, 426, 201, 202, 212 IPC) and Section 25, 54 of Arms Act, registered at Police Station Sadar Rohtak, District Rohtak.

The FIR was at the instance of Manoj stating that on 28.11.2018 at about 10:30 pm an information was received that some unknown person has fired a shot at Surender at the Bus stand of the village. The complainant along with family on reaching the spot found Surender dead. They came to know that two boys with white coloured Scooty fired at Surender due to which he died.

During investigation in a disclosure statement made by Sultan, the petitioner was nominated. On disclosure statement of petitioner the burnt white Activa involved in the incident was recovered. The petitioner had earlier approached this Court vide CRM-M-17318 of 2020 for regular bail and the same was withdrawn on 14.12.2020. Now this petition dated

Learned counsel for the petitioner submits that the petitioner is not named and FIR is against unknown person. The burnt Acura recovered does not belong to petitioner. He is in custody since December, 2018.

Learned State counsel vehemently opposes the prayer and on instructions from ASI Jatinder Kumar submits that the burnt Acura Scooty recovered belongs to a known person of Surender. It was on this Acura that the petitioner, Sultan and Surender went to the Bus Stand Gaddi Khera of the village. He further submits that the weapon was recovered from Sultan and as per the FSL report, the bullet matched with the recovered weapon. The contention is that petitioner was named in disclosure statement thereafter at his instance burnt Acura was recovered. The name of the petitioner also came in the supplementary statement made by Manoj, Balraj, Phool Kumar and Jagwanti on 30.11.2018.

The allegations against the petitioner are serious and as per statement made, he caught hold of Surender and thereafter Sultan fired. It is not a case of mere surfacing of the name in a disclosure statement. There is recovery made at his instance and he has also been named in the supplementary statement. The fact that he was not initially named in the FIR will be subject matter of trial.

No case is made out for grant of bail.

Dismissed.

9th FEBRUARY, 2021

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**(AVNEESH JHINGAN)
JUDGE**

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