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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M-6576-2021 (O&M).
Decided on: October 7, 2021.

Karan

.. Petitioner

VERSUS

State of Haryana

.. Respondent

* * *

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

* * *

PRESENT Mr.Parveen Kaushik, Advocate,
for the petitioner.

Mr.Ranvir Singh Arya, Addl. A.G. Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present **fourth** petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.692 dated 12.8.2016, under Sections 302 and 120-B IPC, 1860 and Sections 25/54/59 of the Arms Act, 1959 registered at Police Station Jhajjar, District Jhajjar.

Learned counsel for the petitioner has submitted that this is the 4th petition for regular bail filed by the petitioner and on earlier two occasions bail petitions were dismissed as withdrawn and on one occasion, it

was dismissed by this Court. He has submitted that present petition for the grant of regular bail has been filed on the ground of long custody as well. He has submitted that the petitioner is in custody since 17.8.2016 and owing to long custody, he may be considered for the grant of regular bail. He has further submitted that initially the petitioner was not named in the FIR, however, on the basis of supplementary statement suffered by the complainant who is deceased in the present case, the petitioner was arrested and therefore, he may be considered for the grant of regular bail.

On the other hand, learned State counsel, has submitted that present 4th petition for regular bail filed by the petitioner is not maintainable as there is no change of circumstance in the present case. He has submitted that the trial of the case is progressing and out of 25 witnesses cited by the prosecution, 20 witnesses have already been examined. Custody period of the petitioner has not been disputed by the learned State counsel. He has opposed the grant of bail to the petitioner by referring to the status report which has been filed by the Senior Superintendent of Police, District Jhajjar, dated 24.8.2021 and while referring to para 4 of the status report, he has further submitted that when the deceased-complainant was in the injured state, he was referred to PGIMS Rohtak where he suffered a supplementary statement on 12.8.2016 by stating that on 11.8.2016, he was going to home from Gazi Kamal Mandir via Mangli Ram Park and when he reached near umbrella situated in Mangli Ram Park, then one boy namely Karan Singh @ Guddu (petitioner) came from backside by jumping the wall and fired at him on his back with intention to kill him. As the bullet hit him, he fell down and screamed. He saw in the light of park Ravi son Balwan along with present

petitioner running towards the gate and on hearing his screams, Jai Bhagwan shopkeeper and Ravinder came there and after some time his family member also came on the spot who took him to Civil Hospital Jhajjar for treatment from where he was referred to PGIMS Rohtak and at that time due to heavy pain and in a hurry, he could not record his statement properly. In the supplementary statement, he specifically stated that Ravi and Karan (petitioner) had fired at him with an intention to kill him due to previous enmity. The learned State counsel has further referred to para 9 of the affidavit to submit that firearm recovered from the possession of the petitioner and the cartridge recovered from the body of deceased Bittu were sent to FSL for matching. The FSL report dated 31.5.2017, has been received and as per the FSL report the bullet recovered from the body of the deceased Bittu was found to be from the firearm recovered from the possession of the petitioner. He has submitted that present case involves a very serious and heinous crime and as per the record two more cases bearing FIR No.703 of 2016 under Section 25/54/59 Arms Act, P.S. Jhajjar and FIR No.1049 of 2016 under Sections 223, 186, 353 and 511 IPC, have been found in which the petitioner was earlier involved. He has further submitted that although custody period of the petitioner is long but in view of the gravity of the offence wherein allegedly the deceased was killed by way of firearm by the petitioner and co-accused, the petitioner does not deserve the grant of regular bail.

I have heard the learned counsel for the parties.

This is the 4th successive petition for regular bail filed by the petitioner. The petitioner is in custody for the last more than 5 years. The

trial is at the prosecution evidence stage and out of 25 witnesses cited by the prosecution, 20 witnesses have examined. The submissions made by the learned State counsel by referring to paras 4 and 9 of the status report that the name of the petitioner has come up on the basis of supplementary statement made by the deceased and the FSL report has matched bullets recovered from the body of the deceased with the firearm recovered from the petitioner, coupled with gravity of the offence would certainly deprive the petitioner for the grant of regular bail. This Court is, therefore, not inclined to grant bail to the petitioner and accordingly the bail petition is dismissed.

However, considering the long custody of the petitioner, the trial Court is directed to expedite the trial and to conclude the same as expeditiously as possible.

October 7, 2021.	(JASGURPREET SINGH PURI)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No