

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-9786 of 2021

Date of Decision: 22.03.2021

Surender alias Dhola

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Chanderhas Yadav, Advocate
for the petitioners.

Ms. Kirti Singh, Deputy Advocate General,
Haryana, for the respondent.

Anil Kshetarpal, J.

This is second petition for grant of regular bail to the petitioner pending trial in a criminal case arising from FIR No. 402 dated 30.07.2017, registered under Sections 302 & 34 IPC at Police Station Sadar, Bahadurgarh, District Jhajjar.

The first petition, filed by the petitioner for grant of regular bail, was dismissed by this Court on 15.09.2020 with the following order:-

“The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner prays for bail pending trial in a criminal case arising from FIR No.402, dated 30.07.2017, registered under Section 302/34 IPC, at Police Station Sadar Bahadurgarh, District Jhajjar.

The petitioner is in detention for almost 3 years

and 1 month.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Jhajjar, in paragraph 2 of its order dated 27.08.2020, which is extracted as under:-

“2. The FIR in the case in hand has been lodged on the complaint of Pardeep Kumar son of Rajender Singh, resident of village Lowa Khurd, Distt. Jhajjar. As per the complaint, the uncle of the complainant namely Krishan (since deceased), age 62 years, resident of village Lowa Khurd was employed in Omaxe Complex, Bahadurgarh as a guard. He was deployed on the night duty. The accused Surender son of Veer Singh, resident of village Nuna Majra was also employed as a guard and was working in morning shift. The deceased Krishan and the accused Surender used to altercate during the duties. The accused Surender has also threatened the deceased Krishan that he would to kill him. The complainant received a telephone call on 30.07.2017 that his uncle Krishan has received injuries. On this information the complainant alongwith other family members reached at the place of occurrence and found that his uncle has expired. He is suspicious that

accused Surender son of Veer Singh has committed the murder of his uncle Krishan Singh.”

Learned counsel for the petitioner submits that the only material against the petitioner is allegation of last seen with the deceased. He further submits that the iron pipe alleged to be recovered from the petitioner is from a factory where thousands of such pipes were available.

On the other hand, learned counsel for the State has drawn attention of the Court to the order passed by the learned Additional Sessions Judge in which it is recorded that the doctor has specifically stated that the possibility of injury mentioned in the post mortem report having been caused by the iron pipe cannot be ruled out. In the Forensic Science Laboratory report, Ex.PZ, the iron pipe recovered was having blood stains and on examination thereof, it has been found that the aforesaid blood stains are of 'B' blood group which is the blood group of the deceased.

It has further been informed that most of the prosecution witnesses have already been examined and the trial of the case is at the advance stage.

Keeping in view the aforesaid facts, this court is not inclined to consider the request for bail to the petitioner, at this stage, particularly when the trial of the case has already made substantial progress.

Dismissed”.

Although, learned counsel for the petitioner made a sincere attempt, however, failed to draw attention of the Court to any fresh ground for grant of regular bail.

In view of above, the present petition is dismissed.

(Anil Kshetarpal)
Judge

March 22, 2021
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No