

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

CRM M-21286 of 2021 (O&M)

Date of Decision: June 28, 2021

Bhupinder Singh

...Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Ms. Supriya Arora, Advocate
for the petitioner.

Mr. Gaurav Jindal, Addl. A.G. Haryana.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

The petitioner has come in this 5th regular bail application under Section 439 Cr.P.C. in case FIR No. 0083 dated 28.06.2018 registered under Sections 120-B, 148, 149, 302, 307, 323, 427 of IPC; Section 25 of Arms Act 1959 and

later on added offences under Sections 506 and 201 of IPC; Section 3 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989; and Section 30 of Arms Act 1959 at Police Station Kalka, District Panchkula.

The allegations are as follows:-

“The case was got registered on the complaint of one Yograj @ Pinki against more than a dozen persons. It is alleged that the complainant alongwith his friends claimed to be celebrating the birthday party on 28.06.2018 and around 4.30 p.m. in the evening a vehicle with 30 young boys came all armed with dangerous weapons including firearms, swords, rods and batons etc. out of whom non-applicants Umesh Kumar @ Matru, Akram, Pama, Gurmit @ Roda Sukho Majra, Madan @ Maddu, Satta, Makhan, Rinku, Gola and Deepu Kaimbwala, Saurav were identified. The allegations further are that all these accused started firing from their firearms comprising pistols and guns and seeing them Vikram @ Vicky Kemmi tried to save himself by hiding behind the seat of the Scorpio vehicle and when the complainant side came to the rescue and seeing indiscriminating firing ran away. After being chased by the accused, in the melee

besides others one Dalip @ Deepa received gun shot injuries and and Nirmal @ Happy received rod injuries etc., and thereafter the boys vandalized the vehicles and ran away. In this occurrence, one Vikram @ Vicky died whereas Dalip @ Deepa, Lakhwinder Singh @ Happy, Nirmal @ Happy, Minder and Harwinder received different types of injuries leading to registration of the present case”.

Mr. Supriya Arora in her lengthy arguments has sought to seek parity with co-accused non-applicant Shyam Lal Tagra who has been allowed bail by the Hon'ble Supreme Court. It is contended further that petitioner has undergone more than 03 years in custody and is not keeping good health for which reliance has been placed on letter of Superintendent, District Jail Kurukshtra alongwith medical record of the petitioner.

In her fervent prayer the counsel has sought to set up plea of *alibi* claiming that the petitioner at the time of the occurrence was in Goa and has been falsely implicated.

Shri Gaurav Jindal, Addl. A.G. Haryana has confronted these submissions vehemently argued that the petitioner is the Head of the notorious gang known as “BSP” (Bhupender Singh Pappy Gang) and are facing more than 3 criminal cases). The counsel has sought to highlight that it was out of criminal conspiracy hatched between the petitioner and

his co-accused, this broad day light murder has taken place on account of rivalry between two gangs operating in the area. It is contended that keeping in view that the trial is underway no case for grant of bail is made out and in view of the previous similar bail applications which had been declined by this Court.

Perusal of the records clearly highlighted that there are more than 31 accused in this case and all of them in the light of the submissions of the State counsel are members of the same gang who have created terror in the area. It is highlighted with elance by the learned State counsel that on account of they being dreaded gangsters are not allowing the trial to progress as most of the accused are evading their appearance in the Court. More so, this Court vide orders dated 25.02.2019 through a detailed order has declined the relief to the petitioner and being the fifth regular bail application no case to grant relief is made out to the petitioner. More so, in the light of the present crime scenario in the region necessitates the Court to take stricter view of such crimes.

The petition as such stands declined.

June 28, 2021
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No