

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-23123-2021 (O&M)

Reserved on:06.12.2021

Pronounced on:13.12.2021

Rajesh alias Khanna

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

ANOOP CHITKARA J.

1. The petitioner, incarcerated upon his arrest in the FIR No.38 dated 23.08.2020, registered under Sections 148, 149, 302, 34, 212, 201 read with Section 120-B IPC and Section 27 of Arms Act at Police Station City Pehowa. District Kurukshetra, came up before this Court under Section 439 CrPC seeking regular bail.

2. A brief narration of allegations relevant in deciding the present petition is that on 23.08.2020, the complainant informed the police in the following terms:-

He stated that he has a younger brother Monu who is aged about 22 years. A few days earlier Dilbagh along with his companions had fired upon his house. Because of that fire shot, a tussle was going on between them. The informant further stated that today his brother Monu had gone to Pehowa on account of some work and even he had gone to Pehowa. At 3.45 pm his friend called him that Monu had been shot near Bohli Sahib Gurudwara, Pehowa. On this, he reached at the spot and found his brother un-conscious on the road. There was a fire injury on chest and left leg of Monu. He carried his brother to LNJP Hospital in an Ambulance, where the doctor declared him dead. The informant further stated that he has come to know that Vikrant had accompanied Monu and when they reached at Gurudwara Sahib then Vikrant stopped the motorcycle and Monu alighted from motorcycle. In between, a car came from back side and hit the motorcycle. Then

two boys alighted from the car and they were armed with pistols. Both of them fired upon Monu, due to which, he died. It was alleged that his brother was killed as a part of conspiracy. Based on such information, police registered the above mentioned FIR.

3 Learned State counsel submits that in the investigation, police came to know about the involvement of the present petitioner. In the custody, the accused Rajesh @ Khanna made a disclosure statement under Section 27 of Indian Evidence Act and got recovered motorcycle used in the crime. The State has opposed the bail and a reply has been filed in this behalf. It has been stated that the police had recovered two blank cartridges from the spot where fire incident had taken place. It was also stated that motorcycle used in the crime was also recovered. The investigation is based upon call details of the deceased and the accused. It came in the investigation that the deceased was duped in love trap through Pinki. Based on this, the police obtained call details of Pinki, deceased and other accused persons. It has also argued that the petitioner is a habitual offender and four cases are pending against him.

4. The primary offence appearing against the accused at this stage is the recovery of motorcycle used in the crime and such recovery was pursuant to the statement of accused made by him under Section 27 of Indian Evidence Act. Another evidence is the call details between the deceased, Pinki and other accused. Further more, there are four criminal cases pending against the petitioner and all of them pertain to assault and use of firearms which show his bend of mind.

5. Given above, the petitioner fails to make out a case for bail.

6. Thus, petition dismissed.

(ANOOP CHITKARA)
JUDGE

December 13, 2021

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Whether speaking/reasoned: Yes

Whether reportable: No