

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

**CRM-M-25307-2021
DECIDED ON: 13th JULY, 2021**

JITENDER @ PAPPU

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Parveen Kaushik, Advocate for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

AVNEESH JHINGAN, J (ORAL)

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

This is a ninth petition filed under Section 439 Cr.P.C. seeking regular bail in FIR No. 820, dated 14th August, 2015, under Sections 148, 149, 216, 302, 341 and 120-B IPC and Section 25 of Arms Act, 1959, registered at Police Station Jhajjar, District Jhajjar

The FIR was at the instance of Narender Singh son of Hans Raj. It was stated, on 14th August, 2015 Sandeep had gone to the fields, he made a call to his elder brother that Jitender @ Pappu (petitioner), Balwan Singh, his two sons namely Padam & Vivek, alongwith his nephew Monu and two other persons were moving in a car. They were armed with weapons and were chasing Sandeep to kill him. On receiving the information the complainant Narender Singh alongwith others rushed towards the place of occurrence on motorcycle. When he was near the house of Raja, petitioner came across in front of him in his car and directly hit the motorcycle. As a

result the complainant fell down from the motorcycle. The petitioner alongwith other co-accused fired upon him and ran away from the spot. FIR was registered, petitioner was arrested. In pursuance to his disclosure statement, pistol and car used in the incident were recovered.

Mr. Parveen Kaushik, Advocate appearing for the petitioner submits that petitioner is in custody since 16th August, 2015. He further submits that material witnesses have been examined and no useful purpose would be served by keeping the petitioner in custody. He relies upon the fact that the other co-accused have been granted bail.

Learned State counsel vehemently opposes the prayer for grant of bail. She submits that earlier the petitioner was granted interim bail in 2018, he absconded and during the said period another FIR bearing No. 583, dated 21st June 2018, under Section 307 IPC was registered at Police Station Jhajjar. She contends that it was only on 30th July, 2018, the petitioner was again arrested. She relies upon the fact that as per the FSL report, the bullet recovered from the body of the deceased matches with the weapon recovered at instance of the petitioner.

The petitioner is the main accused in the incident. The fire arm injury caused by him, proved fatal. The FSL report matches the bullet recovered from the body with the gun recovered. There is no parity of the petitioner with the co-accused, who have been granted the bail. Moreover, the antecedents of the petitioner are evident from the fact that after getting an interim bail he absconded and thereafter involved in another FIR. There is no change in circumstances shown by the petitioner for filing the successive bail petitions.

No case is made out for grant of bail.

The petition is dismissed.

However, it is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

13th JULY, 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>