

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CRM-M-32764 of 2020
Date of decision:02.11.2021

Roshan @ Karan Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Himanshu Sharma, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana
for the respondent-State.

SUVIR SEHGAL J.

Instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the petitioner in FIR No.478 dated 26.08.2017 registered for offences under Sections 302, 307, 34, 216 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 at Police Station Modal Town, Rewari, District Rewari (Annexure P-1).

As per the case set up by the prosecution, information was received about two young boys in an injured condition with gunshot wounds. On reaching the spot, it was found that one boy, who was bleeding from his head was dead and the second youth, who had bullet injury in his stomach, was still breathing. He was immediately shifted to a hospital, where he expired. A written complaint was given by Rajesh, brother of Pawan @ Panaji, one of the deceased that he had received a telephonic call on 25.08.2017 at about 8.30 p.m that his brother and one Hitesh alias Ladoo

had been shot by some unknown persons on account of some previous enmity. During investigation, the complainant made a statement on 27.08.2017 alleging that an acquaintance, Mahipal, told him that he witnessed the occurrence and he saw that Rahul Saini and his friends shot at both the boys. The petitioner was arrested on 04.09.2017.

Counsel for the petitioner has argued that the petitioner is not named in the FIR and on the basis of a supplementary statement recorded by the complainant two days after the alleged incident, one Puneet alias Taiwala was arrested and on the basis of his disclosure statement, the present petitioner has taken into custody. He contends that there is no material with the prosecution to connect the petitioner with the crime and the petitioner, who is in custody for four years, deserves to be enlarged on bail.

Controverting his submission, State counsel upon instructions from ASI Om Parkash and by placing reliance upon the status report dated 04.03.2021 filed by way of an affidavit of Deputy Superintendent of Police, District Rewari has submitted that Mahipal, PW-30, is the eye witness to the incident, who has supported the prosecution. He submits that the prosecution possesses sufficient incriminating material to nail the petitioner, who shot the deceased-Hitesh in the stomach. He submits that 58 out of 59 prosecution witnesses have been examined and on an application moved by the prosecution, some witnesses, including complainant-Rajesh have been permitted to be re-examined under Section 311, Cr.P.C. He submits that the motorcycle used in the incident, a country-made weapon alongwith live

cartridge have been recovered at the instance of the petitioner, who is involved in number of other cases.

I have considered the rival submissions of counsel for the parties.

This is the case of cold blooded murder of two young men and the petitioner is accused of having shot one of them dead. Mahipal (PW-30), who is an eye-witness to the gory incident has given the details of the occurrence as well as identified the petitioner as one of the assailants. As per the status report filed by the State, the petitioner is involved in 12 other criminal cases, though he has been acquitted in 04 cases, he has been sentenced in 01 case and is facing trial in the remaining 07 cases. The prosecution evidence is at its fag end and some of the witnesses including the complainant, have been summoned for re-examination, therefore, grant of bail to the petitioner is not warranted at this stage.

Keeping in view the criminal record of the petitioner and finding no merit in the petition, it is ordered to be dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

November 02, 2021
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes