

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

CRM-M-34795-2020 (O&M)

Date of decision: 19.04.2021

Kuldeep @ Nanha

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Ms. Kamaljeet Kaur, Advocate for the petitioner.

Mr. Saurabh Girdhar, AAG, Haryana.

Mr. Sansar Kundu, Advocate for the complainant.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Kuldeep @ Nanha, an accused in FIR No.109 dated 27.02.2018, for an offence under Section 302 IPC and Section 25 of the Arms Act, registered with Police Station Safidon, District Jind.

Briefly stated the facts of the case as per prosecution story are that, criminal machinery in this case was set into motion by complainant Sunil son of Chand Ram, R/o Ram Nagar Channa, who in the statement got recorded by him with the police stated that his father had two brothers, namely, Surat Singh and Chattar Singh, all of them residing separately; Chattar Singh had three sons but one of them

namely Chain Singh had died several years earlier, whereas, others two sons were Satpal and Sukhpal @ Bablu; on 26.02.2018 at about 10.00 PM while the complainant was returning home from his fields, he observed his cousin brother Sukhpal and Kuldeep son of Rajender sitting at bus stop Ramnagar in front of shop of Raju Barber; in the meanwhile accused Kuldeep @ Nanha (present petitioner) came there and asked Sukhpal to bring water but Sukhpal refused to do so; as such, accused Kuldeep @ Nanha took out a pistol from his pocket and fired at Sukhpal, hitting him on his neck; the complainant informed his family members and shifted Sukhpal to General Hospital, Jind, where the doctor declared him brought dead; earlier also, Kuldeep @ Nanha had quarreled with Sukhpal; on the basis of such statement, the formal FIR in the matter was recorded; the investigation in the case started; accused Kuldeep @ Nanha was arrested in this case on 07.03.2018; in pursuance of his disclosure statement, he got recovered pistol used in the incident along with empty shell on 10.03.2018; thereafter, on completion of investigation and other formalities, challan against him was prepared and filed in the Court; as informed by the State counsel, the trial against the petitioner is going on and out of 23 PWs cited by the prosecution, 16 PWs have been examined so far, with next date of hearing fixed 12.05.2021.

Petitioner/accused had filed an application for grant of regular bail before the Court of Sessions at Jind, however, such application, was rejected by Id. Sessions Judge, Jind, vide order dated

18.07.2020. As such, he has approached this Court, craving for grant of similar relief, which request is being opposed by learned State counsel and counsel for the complainant.

I have heard learned counsel for the parties besides going through the record.

The allegations against the petitioner are very grave and serious of committing cold blooded murder of an innocent person by use of an illegal fire arm. The petitioner comes out to be a habitual criminal being involved in one more criminal case i.e. FIR No.264 dated 22.10.2016, under Sections 363, 366-A, 120-B, 376 IPC, Section 6 of the POCSO Act and Section 3 of the SC/ST Act. The apprehension expressed by the State counsel that if he is released on bail, there is possibility of his trying to tamper with the prosecution evidence by giving threat or inducement to such witnesses and to abscond even, in the process, prolonging the trial, cannot be brushed aside lightly. The trial against the petitioner is stated to be near completion. Keeping in view the totality of circumstances, no case for grant of regular bail is made out. The petition lacks merit and is dismissed accordingly.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

19.04.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No