

CRM-M-39610-2020 (O&M)

Date of decision: 29.01.2021

Rajinder Singh

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGHMr. Mukul Goyal, Advocate
for the petitioner.Mr. Tarun Walia, AAG, Haryana
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The petitioner-Rajinder Singh, in this second regular bail application under Section 439 Cr.P.C. filed in a case bearing FIR No.314 dated 17.11.2018 under Sections 302, 34 of the Indian Penal Code and Section 25 of the Arms Act and charge sheeted under Sections 302, 120-B of the Indian Penal Code and Section 27 of the Arms Act registered at Police Station Chandimandir, District Panchkula, has sought prayer for his release from custody.

Heard counsel for both the sides and perused the records.

In light of the contentions of the learned State counsel, the present case was got registered on the statement of complainant-Suresh Pal Singh, brother of deceased-Rajbala. It is alleged that because of the family circumstances, he was residing in the village of Rajbala, whose son-Upender, had committed suicide in the year 2008, leaving behind two daughters and subsequent to this, husband of Rajbala, too, passed away. Wife of Upender, namely, Sudha had deserted her matrimonial home in the year 2016 and who, has since then, been not heard of. The complainant alleges that on the night of 16.11.2018, his sister-Rajbala served him food, while she went and slept with her grandsons-Vishal @ Divanshu, Ayush @ Chuchu and grand-daughter-Aishwarya @ Ginni. Next morning when the complainant observed that his sister has not woken up, he discovered that dead bodies of Rajbala, Vishal @ Divanshu, Aayush @ Chuchu, Aishwarya @ Ginni were lying in different rooms apparently having been shot dead and blood had spattered around, on the basis of which, the present case was got registered.

It is, during the course of investigations, it transpired that the petitioner was instrumental in procuring weapon for Ram Kumar, principal accused, who both happens to be close relations to facilitate the murders and both of them procured a weapon from one-Omkar after being assured that the illegal weapon was having

sufficient capacity to kill 4-5 persons.

Learned counsel for the petitioner had laid a scathing attack on the prosecution story claiming that it was a false implication of the petitioner. A hapless person falsely implicated who is from a very poor background. It is claimed that there is nothing suggestive that the petitioner had any knowledge or *mens rea* in these murders and has sought to project that the petitioner is being falsely implicated to strengthen the case of the prosecution as it was blind murders.

The learned State counsel has strongly opposed the grant of bail on the grounds that the petitioner was in full knowledge of the fact why the weapon was being procured and has rather lend a helping hand to the principal accused in committing this heinous crime of killing four persons and, therefore, does not deserve the concession of bail.

Appreciating the submissions, it is not displaced that four persons, a widowed lady and her three grand children, all minors, were put to death by this gory incident. The very veracity of the claim of the petitioner's counsel is subject to trial. It is well established on the records that the petitioner was instrumental in getting the weapon procured for the principal accused.

In view of the heinousness of the offences and seriousness of the allegations, this Court does not feel incline to

allow the present petition and, thus, the same stands dismissed.

29.01.2021

Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No