

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-3181-2022

Date of Decision:-13.05.2022

Deepak @ Gandhi.

.....**Petitioner.**

Versus

State of Haryana.

.....**Respondent.**

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Sanjay Ghalawat, Advocate for the Petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition is for the grant of regular bail under Section 439 Cr.PC in case FIR No.185 dated 04.07.2020 under Sections 302 read with Section 34 IPC and Section 3(2)(V) SC/ST, Sections 25, 54, 59 of Arms Act registered at Police Station Safidon.

The brief facts of the case are that one Karn Singh got recorded his statement to the effect that he was an agriculturist by profession and had three sons and one daughter. On 3.7.2020 in the evening time he and his son Ankit (since deceased) were present at his house when Deepak son of Ram Mehar (the present petitioner) along with one other boy came to his house and called his son Ankit. On this Ankit went away with them. He waited for his son to return back and made telephonic calls to him as well but his phone was switched off. Thereafter they conducted a search for his

son but he could not be traced. In the morning he received an information that a dead body was lying in the stadium and when he went there he saw Ankit lying dead there and there was a mark of gunshot injury on the back side of his head. He thus claimed that someone had committed the murder of his son and Deepak @ Gandhi (the present petitioner) could disclose the names of the assailants. After registration of the FIR, the investigation proceeded and the present petitioner came to be arrested. During the course of his interrogation he disclosed that the deceased Ankit had established illicit relations with his wife while he was in jail and would often visit his house and, therefore, he in conspiracy with accused Rinku committed the offence in question. Subsequently, thereto Rinku accused was arrested. So far as the petitioner is concerned a recovery of a motor cycle and a country made pistol 315 bore along with an empty cartridge has been effected from him. After concluding the investigation, the final report was submitted against the four accused namely, Deepak @ Gandhi, Rinku, Amit and Deepak son of Balwan.

The Counsel for the petitioner contends that the case is based on circumstantial evidence. The evidence of last scene was that of Kaptan which was recorded a number of days after the occurrence, though he is stated to have been present at the time the dead body was found. He further contends that the motive of the deceased having illicit relations with the wife of the petitioner is not borne from the disclosure statements. He contends that the motive and the last scene theory did not establish that the petitioner had committed the offence in question and the chain of circumstantial evidence was not complete.

The Counsel for the State on the other hand submits that there

is sufficient evidence available against the petitioner. The complainant, itself in the FIR disclosed that the petitioner had taken away the deceased and, therefore, the last scene evidence was available in the FIR itself. He further contends that the recovery of the weapon has been effected from the petitioner and the antecedents of the petitioner as set out in para no.9 of the Status report do not entitle the petitioner to the grant of bail since he is an accused in a number of cases.

I have heard learned Counsel for the parties at length.

The petitioner has been named in the FIR by the complainant as having gone with the deceased. The recovery of a country made pistol and a motor cycle both allegedly used in the occurrence have been effected from him. The evidentiary value of the other evidence on record would be established during the course of trial.

However, keeping in view the serious nature of the offence and also the criminal antecedents of the petitioner, the petitioner is not entitled to the concession of bail.

Thus without commenting on the merits of the case, the present petition for the grant of bail to the petitioner-**Deepak @ Gandhi** is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

May 13, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>