

CRM-M-9491-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9491-2022

Date of decision:22.11.2022

Ravinder

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Anirudh Singh Shera, Advocate,
for the petitioner.

Mr. R.S.Nain, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.177 dated 12.03.2019, registered at Police Station Camp Palwal, District Palwal, under Sections 302, 120-B and 34 IPC and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the petitioner has been in custody since 07.01.2021; that according to the complainant, co-accused Omi and Ankit had fired gun shots at the deceased; that co-accused Omi has since been granted the concession of regular bail by a Coordinate Bench, vide order dated 27.10.2020; that challan has been presented against the petitioner; that no weapon had been recovered from the

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petitioner, and that there is no other case registered or pending against him.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner had actively participated in the occurrence and that the petitioner was having a pistol, and that the petitioner had remained absconding for two years despite the fact that he was named in the FIR. He further submits that Pooja, daughter of the complainant, got her statement recorded on 12.03.2019, to the effect that it was the petitioner, who had fired a shot on the head of her father.

I have heard the learned counsel for the parties.

The petitioner is named in the FIR. The daughter of the complainant specifically stated in her statement recorded under Section 161 Cr.P.C. that the petitioner had fired a shot on the head of her father. Moreover, the petitioner did not subject himself to due process of law and evaded the arrest from 12.03.2019 to 07.01.2021. As such, the conduct of the petitioner is not above board.

Moreover, there are as many as three other cases registered or pending against the petitioner. It is not denied for a moment that the period of custody is a relevant factor, but simultaneously the totality of the facts and circumstances of the case and the criminal antecedents are also to be weighed.

Keeping in view the nature and gravity of the offence coupled with the fact that the petitioner is also involved in three other cases, the period of custody of more than 01 year, 10 months and 15 days, in my considered opinion, melts into insignificance.

Considering the same, at this stage, no justifiable ground is

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made out to extend the concession of regular bail to the petitioner.

Consequently, the present petition stands dismissed.

22.11.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No