

CRM-M-12987-2022

Date of Decision:20.05.2022

Rakesh alias Midda

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGHPresent: Mr. Deepak Vashishth, Advocate,
for the petitioner.

Mr. Aman Bahri, Addl. A.G, Haryana.

Mr. Ranjit Singh Kalra, Advocate,
for the complainant.**AMOL RATTAN SINGH, J. (Oral)**

A reply has been filed to the petition, which is the fifth such petition filed by the petitioner, seeking to be admitted to bail upon FIR no.395, dated 14.12.2017, having been registered at Police Station Narnaund, District Hisar, alleging therein the commission of offences punishable under the provisions of Sections 307/120-B/216 of the IPC and Section 25 of the Arms Act, 1959.

The reply is ordered to be taken on record.

As per the said reply (reference paragraph 12 thereof) the petitioner was the main conspirator in the attempt to commit the murder of a liquor contractor, with gun shots also having been fired by the persons alleged to have been deputed by the petitioner, but with the said person having survived the attack.

As per the affidavit there were nine criminal cases registered against the petitioner but with him having been acquitted in three cases and with the remaining cases still being under trial, three of those cases being such in which the petitioner is accused of having committed an offence punishable under Section 302 of the IPC and with one of them being for the commission of an offence punishable under Section 307 thereof.

Learned counsel appearing for the complainant has produced in court today an order passed by this court (this very bench) on 06.08.2022, in the third petition filed by the petitioner seeking to be admitted to bail, i.e. CRM-M-21144-2020, it being a detailed order with the concluding part thereof observing as follows:-

“Sill further, he submits that the petitioner has been found to be (as per investigation) a Supari killer, i.e. a person who commits crimes including murders upon being paid to do the same.

Considering the above but without making any comment whatsoever on the merits thereof, even though learned counsel for the petitioner has submitted that the petitioner has been admitted to bail in all other six cases which are still pending against him, in the aforesaid circumstances, even taking into account the period of his custody (2 years and 7 months), I do not think it is a fit case where the petitioner can be granted bail. Consequently, this petition is dismissed.

However, as already observed hereinabove and in the last order, nothing stated in this order or in previous orders passed, shall be treated to be an observation of this court on the merits of the case, which naturally would be gone into as per the evidence led before the trial court.”

Learned counsel for the petitioner submits that thereafter the petitioner had also filed CRM-M-12384-2021, which was withdrawn on 30.06.2021.

Simply because he had withdrawn another petition filed before this one after the order dated 06.08.2020, I do not see how this petition would be entertainable by this court.

Dismissed.

May 20, 2022

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO