

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

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CRM-M-38455-2020(O&M)
Date of Decision : **August 23, 2022**

DEEPAK

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

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CRM-M-32405-2020(O&M)

DEEPAK

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Saurabh Dalal, Advocate
for the petitioner in both the cases.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

Both these petitions are taken up together for final disposal with the consent of learned counsel for the parties since the same has been filed by one person, namely, Deepak. Both the bail applications have been filed in two different FIR under Section 302 IPC which have been lodged at an interval of four months.

The learned counsel for the petitioner in both the cases has submitted that he has already filed his power of attorney after being engaged in the present cases and, therefore, is representing the petitioner in both the cases.

The facts which arise in both the cases are as follows:-

One FIR was registered against the petitioner and the other

co-accused bearing No. 207 dated 17.5.2019 under Sections 302, 120-B, 34 IPC and Section 25 of Arms Act registered at Police Station City, Jhajjar, District Jhajjar and the second FIR was lodged after a period of 4 months bearing No. 336 dated 21.11.2019 under Sections 302, 148, 149 (Sections 307 and 120-B IPC added later on) and Section 25 of Arms Act registered at Police Station Sadar, Jhajjar, District Jhajjar.

The learned counsel for the petitioner has submitted that as per the allegations against the petitioner in the first FIR i.e. FIR No.207 dated 17.5.2019, the name of the petitioner has been nominated on the basis of a disclosure statement of the other co-accused, namely, Jaibir @ Jela and Manish wherein the allegations made by the complainant are that when the complainant alongwith his maternal uncle was sitting at their shop then 3 persons came alongwith weapons and shot at his Mama and when he was taken to the hospital he was brought dead. Learned counsel submitted that since the name of the petitioner was nominated on the basis of a disclosure statement in both the cases, the petitioner may be considered for the grant of regular bail. He submitted that he is in custody from 23.12.2019 in FIR No. 207 dated 17.5.2019 and he is in custody from 10.1.2020 in FIR No. 336 dated 21.11.2019 and, therefore, he may be considered for the grant of regular bail.

The learned State counsel has submitted that two separate affidavits have been filed by the police in both the cases and while referring to the affidavits he submitted that it is a case where initially FIR No. 207 dated 17.5.2019, the other co-accused, namely Jaibir @ Jela and Manish were arrested in some another FIR in District Alwar, Rajasthan and in that case they made a disclosure statements with regard to the involvement of the present petitioner and consequently, the present petitioner was arrested in consequence of disclosure statements made by the aforesaid two co-accused and, thereafter, during the course of investigation, there was a recovery of one pistol and 5 live cartridges from the petitioner under Section 27 of the Evidence Act and while the present FIR No. 207 dated 17.5.2019 was being investigated the

petitioner himself made a disclosure statement with regard to his involvement in the second FIR i.e. FIR No. 336 dated 21.11.2019 wherein a group of persons had killed one person. The learned State counsel while referring to the affidavit filed in CRM-M-38455-2020 has submitted that the petitioner is involved in as many as four FIRs out of which the present FIR is FIR No. 207 dated 17.5.2019. The details of the remaining 3 FIRs are as follows:-

- 1 FIR No.781 dated 19.11.2019 under Sections 380, 454 IPC, Police Station Shivaji Colony, Distt. Rohtak;
- 2 FIR No. 169 dated 3.3.2017 under Section 307 IPC and Section 25 of Arms Act of Police Station Sadar, Jhajjar and;
- 3 FIR No. 43 dated 10.2.2013 under Section 160 IPC of Police Station Sadar, Rohtak.

He submitted that the petitioner is a habitual offender and he is involved in other cases under Sections 307, 380 and 457 IPC apart from the Arms act. He further submitted that even otherwise also in FIR No. 207 dated 17.5.2019 the charges have been framed but no witness has been examined and in FIR No. 336 dated 21.11.2019 charges are yet to be framed and in view of the antecedents of the petitioner and the magnitude of the cases wherein both the cases pertain to Section 302 IPC, there is a strong apprehension that in case the petitioner is released on bail then he may abscond from justice or he may even influence the witnesses and has, therefore, vehemently opposed the grant of bail to the petitioner.

I have heard the learned counsels for the parties.

Both the cases pertain to Section 302 IPC. Although the name of the petitioner has surfaced on the basis of a disclosure statement in both the cases but the stage of the case is at the prosecution evidence. The apprehension which has been expressed the learned State counsel on the basis of the antecedents of the petitioner and the gravity and

magnitude of the offence that in case the petitioner is released on bail then he may abscond from justice or may influence the witnesses cannot be ignored and carries weight.

Therefore, without commenting upon the merits and circumstances of the present cases, this Court is of the view that the petitioner does not deserve the concession of regular bail in both the cases.

Consequence, both the petitions are dismissed.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petitions only.

August 23, 2022
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(JASGURPREET SINGH PURI)
JUDGE

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