

CRM-M-51658-2022

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

CRM-M-51658-2022

Date of decision: 16.11.2022

Sonu

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Bijender Dhankhar, Advocate,
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition, the petitioner seeks regular bail in case FIR No.75 dated 17.11.2019, registered at Police Station Mundkati, Palwal, District Pawal, under Sections 302, 392, 394 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 above-noted FIR was registered against some unknown persons; that the petitioner has been indicted on the disclosure statement of co-accused, Rahul. He further submits that complainant, namely, Sonu son of Rahtan Singh, who is the only eye-witness, while appearing as PW-1 before the learned trial Court, has not identified the petitioner as an accused in the present case; that the petitioner has been in custody since 31.05.2020; that the FSL report is not conclusive and it does not indicate as to whether the bullet allegedly

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recovered in the present case, matches with the pistol recovered from the petitioner.

On the other hand, learned State counsel while opposing the grant of bail to the petitioner, submits that the earlier petition filed by the petitioner i.e. CRM-M-10301-2022, was dismissed on merit. Moreover, in the test identification parade conducted in the presence of the Judicial Magistrate, the complainant of his own had duly identified the petitioner along with others as accused in the present case. He further submits that the petitioner is a prime accused, who had given a gun shot injury on the chest of deceased, namely, Lokesh and that an unlicensed pistol had also been recovered from the possession of the petitioner. Still further, it is submitted that there is one more FIR No.40 dated 15.02.2020, under Sections 379-A and 34 IPC and Section 25 of the Arms Act, registered at Police Station Sadar Palwal, against the petitioner.

I have heard the learned counsel for the parties.

This is the second petition seeking the relief of regular bail, the first one having been dismissed on merit on 11.05.2022.

So far as the contention of the learned counsel for the petitioner that the FSL report is not conclusive, is concerned, cannot be taken into consideration while dealing with the regular bail petition, rather the same is subject matter of trial. Remaining contentions raised by the learned counsel for the petitioner have already been dealt with while dismissing the first petition.

There are serious and specific allegations against the petitioner that the gun shot injury on the person of the deceased, was fired from the pistol recovered from the petitioner.

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Moreover, the petitioner is also involved in FIR No.40 dated 15.02.2020, under Sections 379-A and 34 IPC and Section 25 of the Arms Act, registered at P.S.Sadar Palwal.

Keeping in view the nature and gravity of the offence coupled with the fact that the petitioner is also involved in one another case, the period of custody of more than 02 years and 05 months, in my considered opinion, melts into insignificance.

In view of the above, this Court finds that the petitioner does not deserve the concession of bail.

Dismissed.

16.11.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No