

CRM-M-291-2023
CRM-M-11595-2023 (O&M)

Neutral Citation No. 2023:PHHC:070214
Neutral Citation No. 2023:PHHC:070213

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-291-2023
Date of Decision: May 15, 2023

Sandeep @ Chhotu ...Petitioner

Versus

State of Haryana ...Respondent

CRM-M-11595-2023 (O&M)

Jaldeep @ Kalu ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rakesh Gupta, Advocate for the petitioner
in CRM-M-291-2023.

Mr. Saurabh Dalal, Advocate for the petitioner
in CRM-M-11595-2023.

Mr. Randhir Singh, Addl. A.G., Haryana.

Mr. Sudhir Kumar Hooda, Advocate for the complainant.

DEEPAK GUPTA, J.

Prayer in both these petitions filed under Section 439 Cr.P.C.
is for grant of regular bail in case FIR No.240 dated 05.09.2021
registered at Police Station Dujana, District Jhajjar, under Sections 148,
149, 302, 307, 120-B, 201 of IPC and Section 25 of the Arms Act, 1959.

2. FIR was lodged on the complaint of Ram Bhagat, whose son
Parveen @ Bodu was murdered on 05.09.2021. As per FIR, deceased
Parveen @ Bodu had taken liquor shop at village Barhana, Dighal,
Dujana and other places, wherein Pardeep @ Dhola used to be a partner.

This time also, said Pardeep @ Dhola was putting pressure upon Parveen

@ Bodu for partnership, which the deceased refused. On 05.09.2021, complainant was sitting near the house of Daya Nand, whereas his son Parveen @ Bodu was sitting in swift car bearing registration No. HR-51AT-6702 in Mukhtyariwali street, when 13-14 persons came there in three different vehicles and immediately after coming out started indiscriminately firing upon Parveen @ Bodu. Hearing the bullet shots, complainant along with Anil S/o Mukhtyar, Ashok S/o Kishan Lal and others ran to save his son, at which the assailants fired shots towards Anil S/o Mukhtyar and Ashok, who had a narrow escape. The assailants fled away from the spot and in that process, complainant identified some of them to be Pardeep @ Dhola S/o Beda, Rambir S/o Rajpal, Ravinder S/o Rajpal, Jaldeep @ Kalu (petitioner of CRM-M-11595-2023) S/o Beda, Jaideep S/o Beda, Kuldeep S/o Beda and Ajay @ Rancho, who were accompanied by 3-4 persons. Complainant and his family members took Parveen @ Bodu to the hospital, where he was declared brought dead.

3. It is contended on behalf of the petitioner Jaldeep @ Kalu that he is not alleged to have attacked anyone nor specifically injured anyone; that he is in custody since 13.05.2022; that there are 53 witnesses and none has been examined till date; that co-accused Monu @ Mobilal has already been allowed bail vide order dated 17.11.2022 in CRM-M-5927-2022. Besides, another co-accused Jaideep, whose role is similar to that of the petitioner, was allowed bail on 20.01.2023 in CRM-M-58528-2022. However, it is also submitted that petitioner is also involved in seven other cases as per details given in para No.15 of the petition.

4. On behalf of petitioner Sandeep @ Chhotu, it is contended that his name does not find mention in the FIR; that no test identification parade was conducted; that he was not part of any conspiracy nor had any grudge with the deceased; that investigation is already complete and he is in custody since 06.06.2022; that co-accused Monu @ Mobilal has already been granted concession of bail vide order dated 17.11.2022 in CRM-M-5927-2022 (O&M) and so, in all these circumstances, he be allowed bail.

5. Status report by way of affidavit of Shri Naresh Kumar, Deputy Superintendent of Police, Beri, District Jhajjar, has been filed on behalf of respondent-State in CRM-M-291-2023. Based thereon, it is contended by learned State counsel along with counsel for the complainant that petitioner Jaldeep @ Kalu is specifically named in the FIR to be one of the assailants, who had indiscriminately sprayed bullets upon the deceased. As many as 18 injuries were found on the person of the deceased, as per the PMR, out of which 13 were entry wounds, indicating the indiscriminate firing upon him. Learned State counsel further submits that role of co-accused Monu @ Mobilal was entirely different from petitioner Jaldeep @ Kalu and so, no benefit of grant of bail as given to Monu @ Mobilal can be granted to the petitioner. It is further submitted that though bail to similarly placed co-accused Jaideep was granted by this Court, but the petition has already been moved to cancel that bail and that State has supported the said petition for cancellation of bail granted to co-accused Jaideep.

6. Regarding the role of petitioner Sandeep @ Chhotu, it is submitted by Ld. State counsel that co-accused Jaideep S/o Beda, Neeraj

@ Jai Mata Di, Monu @ Mobilal, Kuldeep S/o Beda, Pardeep @ Dhola, Manbir @ Ajay @ Rancho, Rambir S/o Rajpal were arrested from time to time apart from Ravinder S/o Rajpal. On the basis of disclosure statement of Jaldeep @ Kalu, Sandeep @ Chhotu (petitioner) was arrested on 17.05.2022, as he was found to be the part of the conspiracy of killing deceased Parveen @ Bodu along with co-accused. His disclosure statement was also recorded. During investigation, call details record, mobile location along with certificate under Section 65-B of the Indian Evidence Act regarding mobile of petitioner Sandeep @ Chhotu were obtained and it was found that the location of the petitioner was in village Barhana from 9:22 am to 12.13 pm on the date of occurrence, although petitioner relates to a different village. Learned State counsel submitted further that since petitioner Sandeep @ Chhotu had actively participated in the conspiracy and was present at the spot at the time of occurrence, as per the investigation based on his mobile location, so he also does not deserve to be granted the benefit of bail.

7. Having considered submissions of both the sides, this Court finds that both the petitions deserve to be dismissed.

8. As far as petitioner Jaldeep @ Kalu is concerned, he is specifically named to be one of the assailants in the FIR. Perusal of the postmortem report of the deceased reveals that as many as 18 injuries were found on his person including 13 entry wounds, indicating indiscriminate spray of bullets upon him. Petitioner Jaldeep @ Kalu was one of the assailants as per the FIR. His case cannot be considered on parity with co-accused Monu @ Mobilal, who has already been allowed bail by this Court vide order dated 17.11.2022 in CRM-M-5927-2022

because the role attributed to Monu @ Mobilal was part of conspiracy only and to have informed the main accused Pardeep @ Dhola regarding the presence of the deceased. As far as bail granted to co-accused Jaideep on 20.01.2023 by this Court is concerned, in a separate petition bearing CRM-M-6018-2023, bail granted to that co-accused has already been canceled by this Court vide an order passed today.

9. Coming to the role of petitioner Sandeep @ Chhotu, he has been found to be not only the part of conspiracy, but also present at the place of occurrence at the relevant time, as per his mobile location, as found during investigation. Therefore, his case also cannot be considered on the ground of parity with co-accused Monu @ Mobilal.

10. Considering all the above facts and circumstances, the gruesome manner in which murder of Parveen @ Bodu was committed by firing indiscriminately upon him by numerous assailants, but without commenting anything on the merits of the case, both the petitions are hereby dismissed.

Photocopy of this order be placed on the connected case file.

May 15, 2023
sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No