

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

220

2023:PHHC:147029

CRM-M-1883-2023

Date of decision: November 20th, 2023

Parvinder @ Pillu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. D.S. Matya, Advocate
for the petitioner.

Ms. Jasleen Chahal, Assistant Advocate General, Haryana.

Mr. Deepak Grover, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.326 dated 18.07.2020 under Sections 302, 307, 120B of the Indian Penal Code, 1860, Section 25 of the Arms Act, 1959 and Section 3 (2) of SC/ST Act, 1989, at Police Station Nuh, District Nuh.

2. Learned counsel for the petitioner submits that after the withdrawal of the previous petition filed by him, on 13.12.2022, trial has not proceeded further as none of the prosecution witnesses have been examined till date. On merits, he submits that it is evidently a case of false implication as the petitioner was not named in the FIR in question, which was lodged at the instance of Narender, brother of deceased-Om Parkash. He submits that it was after three days of the alleged murders of Kishan Chand and Om Parkash, the petitioner was nominated as an accused in the case in hand purportedly on a statement

made by deceased-Om Parkash, before he succumbed to his injuries in the hospital. Learned counsel submits that the petitioner has been in custody since 13.08.2020 and in the circumstances, more so since there is no cogent evidence to reflect his participation in the crime in question, he deserves to be extended the concession of bail.

3. *Per contra*, learned State counsel assisted by learned counsel for the complainant, while vehemently opposing the prayer and submissions made by the counsel opposite, has drawn the attention of this Court to Annexure P-5, which is the statement of injured-Om Parkash (since deceased), wherein he, while giving a vivid account of the occurrence in question, had categorically stated that the accused i.e. Yogender @ Yogi had come on a motorcycle armed with a firearm; the petitioner was riding the said motorcycle, and thereafter accused Yogender @ Yogi had fired fatal shots at him as well as deceased Kishan Chand. Learned State counsel has submitted that in the circumstances, it is clearly evident that the petitioner was an active participant in the crime in question as he had facilitated the co-accused to come to the spot and thereafter, had fled after committing the crime in question. Learned State counsel, on instructions, has also disputed the submissions made by the counsel opposite qua the trial coming to a standstill. She submits on instructions, that as many as 12 prosecution witnesses out of the 28 cited already stand examined and the next date of hearing fixed before the trial Court is 11.01.2024 when some more witnesses are likely to be examined, hence, there is every possibility that the trial would not take much time to conclude.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The contents of the FIR reveal that it was a premeditated attack, wherein the accused came to the spot armed with a lethal weapon on a motorcycle ridden by none other than the petitioner himself. In the circumstances, *prima facie*, his active participation in the crime in question is writ large. In the circumstances, this Court does not deem it fit to extend him the concession of bail.

6. The instant petition, therefore, stands dismissed.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 20th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No