

**216 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH****CRM-M-3568-2023****Date of Decision: 28.03.2023****Krishan @ Bhati @ Rohit****...Petitioner****V/S****State of Haryana****...Respondent****CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Shivam Vashist, Advocate for
Mr. Vikas Kumar Gupta, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

DEEPAK MANCHANDA J. Oral

Instant petition has been filed under Section 439 Cr.P.C. seeking regular bail in the case bearing FIR No.707 dated 02.08.2018 registered under Sections 323, 396, 120-B IPC and Section 25/27/54/59 of Arms Act at Police Station Old Industrial Panipat (Now Model Town Panipat) (Annexure P-1).

Brief facts of the case are that on the intervening night of 1/2.08.2018 at about 1.00 O'Clock, three young boys entered into the house of the complainant after scaling the wall. One boy was having a pistol in his hand. All the three assailants tied the legs and hands of the complainant with the veil (chunni) and Parna and then killed her father with a gun and shot and thereafter, they fled away from the spot along with cash of Rs.15/20 lacs and 15 tolas jewellery. On this complaint, formal FIR of the case was registered under Sections 323, 396, 120-B of IPC and Section 25 of the Arms Act.

Learned counsel for the petitioner contends that the petitioner has

been falsely implicated in the present case only on the disclosure statement of co-accused, which is not admissible in law and on the basis of said disclosure statement petitioner cannot be held liable. He further contends that the complainant had not supported the prosecution version specially qua the involvement of the petitioner, wherein she has stated that there were three accused and police has implicated seven persons including the present petitioner. Even no test identification parade was conducted in the present case and no recovery has been effected from the possession of the petitioner. Learned counsel submits that since the investigation is complete, challan has already been presented and the petitioner is in custody since 03.10.2018 and the fact that the prosecution has examined witnesses including the complainant, therefore, the petitioner is entitled for concession of regular bail. He has produced the orders in respect of co-accused, who have already been extended the concession of regular bail by this Court. He prays for bail.

Per contra learned State counsel has opposed the prayer made by learned counsel for the petitioner on the ground that the one country made pistol of 12 bore, three gold rings and Rs.15,000/- were recovered from the possession of the petitioner, who was involved in the crime and he is the one who has strangled the father of the complainant and the said fact has already been proved in the post-mortem report being the cause of death as asphyxiation due to manual strangulation. Apart from it, case of the petitioner is distinguishable from the co-accused. He further submits that out of 18 prosecution witnesses, 14 have already been examined and the trial is at the fag end so at this stage keeping in view the conduct of the petitioner as well as the Stage of the trial, the petitioner does not deserve the regular bail.

I have heard learned counsel for the parties and have gone through the case file minutely.

It is not disputed that the trial is at the fag end. It is submitted by the learned State counsel that only four witnesses are remaining to be examined and when the trial is at the fag end it may not be proper to enlarge the petitioner on bail and also when the petitioner is the main accused. This Court does not find any ground for granting the concession of regular bail to the petitioner at this stage.

With the aforesaid observations, the present petition is hereby dismissed.

28.03.2023
sapna

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No