

CRM-M-4174-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4174-2023

Date of decision: 05.07.2023

Devender

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. D.P.S.Bajwa, Advocate,
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this second petition (the first one having been dismissed as withdrawn on 13.12.2021), the petitioner seeks regular bail in case bearing FIR No.114 dated 14.06.2020, registered at Police Station Julana, District Jind, under Sections 148, 149, 302 and 120-B IPC and Section 25 of the Arms Act, 1959.

2. Status report dated 03.07.2023 by way of affidavit of the Deputy Superintendent of Police, Jind, Law and Order, filed in the Court today, is taken on record.

3. Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that three co-accused, namely, Ajay, Sudhir and Naveen have since been granted the concession of regular bail by learned Sessions Judge, Jind, vide orders dated 23.10.2020 and 30.10.2020, respectively; that the complainant while

CRM-M-4174-2023

appearing before the trial Court as PW 1, has not supported the prosecution version and has been declared hostile; that nothing had been recovered from the petitioner, and that the petitioner has been in custody since 15.06.2020.

4. On the other hand, learned State counsel, while opposing the prayer for grant of bail to the petitioner, submits that the petitioner had actively participated in the occurrence and that the petitioner alongwith co-accused, Sumit had fired gun-shots at the deceased. He further submits that the petitioner is a known hard-core criminal and involved in committing heinous and serious crimes and, therefore, is not entitled to be released on bail.

5. I have heard the learned counsel for the parties.

6. As per the case of the prosecution, the petitioner alongwith co-accused Sumit had fired gun-shots at the deceased whereas co-accused, namely, Sudhir, Ajay and Naveen were accompanying them. The petitioner has been specifically named in the FIR.

7. The contention of the learned counsel for the petitioner that the petitioner be released on bail on the ground that the complainant has not supported the prosecution version, has no force. It is not for the Court, in a bail matter, to form any opinion on the basis of the evidence of the hostile witness(es) as it would amount to appreciating the evidence. Furthermore, in view of the specific role attributed to the petitioner, he cannot claim parity with co-accused, namely, Ajay, Sudhir and Naveen.

8. A perusal of the status report dated 03.07.2023 would show that the petitioner is a man of criminal antecedents, who has as many as 10

CRM-M-4174-2023

other cases registered against him (though acquitted in five cases, including two cases under Section 302 IPC), and that the petitioner has also been convicted for a period of five years under Section 307 IPC.

9. Indisputably, the petitioner has been in custody since 15.06.2020. There is no denying the fact that the period of custody is a relevant factor, but simultaneously the totality of the circumstances and the criminal antecedents are also to be weighed.

10. In view of the above discussion and having found prima facie case or reasonable ground to believe that the petitioner has complicity with the commission of offence, I am not inclined to grant bail to the petitioner. If the relief as sought in the petition is granted to the petitioner, there is every possibility that he would indulge himself into similar crimes again.

11. For the larger interest of public and society, the present petition for bail being devoid of merit, stands dismissed.

12. Nothing observed herein shall be construed to be an expression of an opinion on the merits of the case.

05.07.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No