

CRM-M-12293-2023

313

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-12293-2023
Date of Decision: 06.12.2023

Praveen Petitioner
Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sumeet Puri, Legal Aid Counsel,
for the petitioner
(Through Video Conferencing).

Mr. Naveen Kumar Sheoran, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. Learned Legal Aid Counsel has joined the proceedings through Video Conferencing.
2. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.313, dated 29.08.2018 under Sections 302, 201, 34, 467, 468 & 471 of the IPC and Section 25 of the Arms Act, registered at Police Station Chandhat, District Palwal.
3. It has been submitted by learned counsel for the petitioner that earlier the petitioner has filed a bail petition before this Court which was dismissed by passing a detailed order on 09.05.2022 vide Annexure P-2. He further submitted that the petitioner is in custody for about 4 years and the trial is not progressing and he has been falsely implicated in the present case. He also submitted that there was one rope which was recovered from

all the accused and the same was used for the purpose of killing the deceased and thereafter, throwing him in the canal and since the case is based upon circumstantial evidence, therefore, he may be considered for grant of regular bail.

4. On the other hand, Mr. Naveen Kumar Sheoran, learned Deputy Advocate General, Haryana has vehemently opposed the grant of regular bail to the petitioner on the ground that the petitioner is a habitual offender and is involved in large number of cases of similar nature. He further submitted that the car which was recovered from the co-accused including the petitioner by Delhi Police belongs to the deceased Raja @ Raj Kumar and there was also recovery of R.C., Insurance, Pollution Certificate, Aadhar Card and two affidavits in the name of the present petitioner which would further go to show that the aforesaid deceased was killed by the petitioner and the other co-accused. He also submitted that the allegations against the petitioner are extremely serious in nature and the charges were framed on 02.09.2019 and only one witness has been examined and remaining material witnesses are yet to be examined. He further submitted that the petitioner was caught along with the other co-accused by Delhi Police in some other case and from them there was a recovery of two cars and various other documents and also 2-3 country made pistol which were recovered along with six live cartridges and they have disclosed that they have killed their own friend. There were some affidavits which were also recovered from the car of the present petitioner. He further submitted that although the petitioner is in custody for about 4 years but material witnesses are yet to be examined and there is a strong apprehension that in case the

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petitioner is released on bail then he may not only abscond from justice but may also influence the material witnesses especially considering the fact that he is a habitual offender and is involved in large number of cases of similar nature.

5. I have heard the learned counsel for the parties.
6. The custody of the petitioner is about 4 years, but considering the gravity of the offence and the role attributable to the petitioner, this Court does not deem it fit and proper to grant regular bail to the petitioner. Consequently, the present petition is hereby dismissed.
7. However, considering the long custody of the petitioner which is stated to be about 4 years and the fact that only one witness has been examined till date, the trial Court is directed to expedite the trial.
8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

06.12.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |