

CRM-M-39143-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39143-2022 (O&M)
Reserved on: 31.01.2023
Pronounced on: 09.02.2023

Jabir @ Kala

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Tushar Gautam, Advocate
for the petitioner(s).

Mr. Rajat Gautam, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
193	24.11.2021	Bichhor, District Nuh	395, 302 IPC and 201, 120-B IPC (added later on)

1. The petitioner, incarcerated upon his arrest in the FIR captioned above, came up before this Court under Section 439 of Code of Criminal Procedure, 1973 (CrPC) seeking bail.
2. In paragraph 15 of the bail petition, the accused declares that he has no criminal antecedents.
3. Petitioner’s contention is that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. State opposes the bail.

REASONING:

5. On 24th November 2021, the police received information about the theft of a vehicle, and it also noticed that the vehicle was found parked, and in its cabin, a dead body was lying. On the following day, one missing complaint was filed at the police

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station in which it was mentioned that the deceased Ajruddin, who used to drive the truck, had taken the truck full of tyres for delivery. Later on, the mobile phone and the GPS location were found off, and his family members launched a frantic search and got to know the recovery of the dead body from his truck, with tyres stolen.

6. The prosecution has filed the status report by way of affidavit of the concerned Additional Superintendent of Police. In paragraph 9 of the said report, the evidence collected against the petitioner is mentioned, and it has been stated that on 18th February 2022, the petitioner was arrested. After arrest, he made a disclosure statement and got recovered the mobile phone, which had been used to call others to sell the tyres stolen from the vehicle. After making the phone calls, he broke the SIM card. The investigation reveals that the petitioner had prior knowledge of the plan of the murder, and the petitioner was the leading participant and one of the main conspirators. He actively participated in selling the stolen goods.

7. A perusal of the bail petition and the documents attached, *prima facie* points towards the petitioner’s involvement and does not make out a case for bail. Any further discussions are likely to prejudice the petitioner; this court refrains from doing so.

8. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition dismissed in aforesaid terms. However, considering the custody since 18th February 2022, the trial be expedited, and an endeavor be made to complete the trial by September 30, 2023. The expediting of the trial is subject to the condition that the petitioner shall not seek any adjournment and if he does so, this order shall stand recalled automatically under section 362 read with 482 CrPC, without any further reference to this court. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

February 09, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No