

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

**CRM-M No.37373 of 2023
Date of Decision: 23.08.2023**

Rajesh alias Raju alias Ganja

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Karandeep Singh Dagrah, Advocate and
Mr. Mandeep Singh, Advocate,
for the petitioner.

Mr.I.P.S. Sabharwal, DAG, Punjab.

MANJARI NEHRU KAUL, J.(Oral)

The petitioner is seeking concession of bail in case FIR No.192 dated 29.11.2020 under Sections 302, 34, 109 and 120-B of the Indian Penal Code and Section 25 of the Arms Act, registered at Police Station Ghagga, District Patiala.

2. Learned counsel for the petitioner, *inter alia*, contends that the FIR in question was lodged against unknown persons and no suspicion was raised therein much less by way of a whisper qua the involvement of the petitioner in the murder of Tarsem Singh, brother of the complainant. He submits that it was, however, after four days of the crime in question, a supplementary statement under Section 161 Cr.P.C. was made by the complainant that the murder of deceased Tarsem Singh had been

committed on account of the fact that Nirmal Singh, nephew of deceased Tarsem Singh had eloped with the mother of co-accused Balwinder Singh and the deceased had been making insinuations against co-accused Balwinder Singh. Learned counsel further submits that it was obvious that the motive, if any, lay with co-accused Balwinder Singh and not with the petitioner, as admittedly, he was not even remotely related to either the deceased or said Balwinder Singh. Learned counsel has urged that in the aforementioned facts and circumstances, petitioner's false implication in the case in hand is evident, more-so when there was no evidence collected by the prosecution with respect to the petitioner having been seen along with the co-accused in the company of deceased soon before the crime in question. It has been further urged by the learned counsel that the petitioner has now been in custody for two and a half years having been arrested on 22.12.2020 and there is no likelihood of the trial concluding in the near future as charges were framed as recently as on 10.08.2023.

3. Per contra, learned State counsel, on instructions, has opposed the prayer and submissions made by the learned counsel opposite by submitting that no doubt, the FIR in question was lodged against unknown persons, however, during investigation it had come to light that co-accused Balwinder Singh and the petitioner were well acquainted with each other and were friends and that is precisely the reason why the petitioner helped Balwinder Singh in eliminating deceased Tarsem Singh.

4. Learned State counsel has further submitted that the petitioner is a man of criminal antecedents and is involved in the following nine criminal cases for which he is being taken on production warrants to different Courts:

1. F.I.R. 192/29.11.2020 u/s 302 P.S. Ghagga.
2. F.I.R.328/05.12.2020 u/s 399, 402, 25, 54, 59, Arms Act, P.S. Kaithal.
- 3.F.I.R. 16/19.01.2019 U/S 148, 149, 307, 25, 54, 59 PS Kalayat, Distt. Kaithal.
- 4.F.I.R.117/5.8.2020 u/s 25,54, 59 of Arms Act, P.S. Titaram, District Kaithal.
5. F.I.R.341/29.11.2020 u/s 307, 34 IPC & u/s 25,54, 59 of Arms Act, P.S. Titaram, District Kaithal.
6. F.I.R.42/16.02.2021 u/s 307, 387,120-B IPC & u/s 25,54, 59 of Arms Act, P.S. Titaram, District Kaithal.
7. F.I.R.199/10.07.2018 u/s 25,54, 59 of Arms Act, P.S. Kalayat, District Kaithal.
8. F.I.R.113/16.03.2020 u/s 25,54, 59 of Arms Act, P.S. Kalayat, District Kaithal.
- 9.F.I.R.181/26.06.2018 u/s 323, 325, 34 IPC, P.S. Kalayat, District Kaithal.

5. Learned State counsel has also informed the Court that recovery of weapon of offence was effected from the petitioner which, in turn, matched with the the empty cartridges recovered from the spot.

6. After hearing learned counsel for the parties and perusing the material on record including the criminal antecedents of the petitioner, no ground is made out to grant the concession of bail to the petitioner. The petition is accordingly dismissed.

7. However, it is made clear that nothing observed hereinabove shall be construed to be an expression of opinion on the merits of the case. Since the petitioner has been in custody since 22.12.2020, the trial Court is directed to expedite the trial and make earnest efforts to conclude it within six months.

August 23, 2023
poonam

(MANJARI NEHRU KAUL)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>