

CRM-M-13063-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13063-2024
Reserved on: 13.09.2024
Pronounced on: 27.09.2024

Jagdish Ram @ Mistri ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amit Khatkar, Advocate
for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
57	25.06.2023	Bareta, District Mansa	302/34/120-B IPC and Sections 25/54/59 of Arms Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. In paragraph 9 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“....That yesterday at about 8.00 PM in the evening time, there was light of electric bulbs inside our house and I & my husband Prem Kumar and my daughter Parvinder Rani were present in our house. Gate of our house was closed. Then someone knocked on the gate and I went to the gate and asked about him. Then the knocker of the gate replied that 'Aunty I am Suresh Kumar and I have to talk to uncle. Open the gate. When I opened the gate, then Suresh Kumar, resident of Fatehabad, and one unknown person, resident of Ratia, who lived on rent with Suresh Kumar in our Bus Stand house, and two other unidentified persons, tall, fair-skinned, who tied Parnas on their head, to whom I can recognize, if they brought before me; entered in our house. Suresh Kumar told to my husband Prem Kumar that we will teach the lesson, for vacating the house. Immediately, after

saying this, two persons out of them started firing on my husband with the pistols held in their hands. Then my daughter Parvinder Rani took my husband Prem Kumar to bed room in order to rescue/save him. They again went behind her to our bedroom and kept firing on my husband Prem Kumar and that my husband received fire shots on his face, shoulder and on other body parts. My husband fell down, then we shouted/raised raula Marta Marta. Then people from our neighbors gathered there and they got out of our house while firing and fled from the spot on their motorcycles along with their weapons. Then later my son Deepak Kumar alias Bachu also came to the spot. We arranged conveyance and brought my husband Prem Kumar to Private Hospital Yash Hospital, Bareta, where on the asking of Doctor, we took my husband to Civil Hospital, Budhlada, for treatment but my husband died on the way before reaching Civil Hospital, Budhlada.”

4. The petitioner's counsel has referred to paras 4 and 5 of the petition, which read as follows:

“4. That the petitioner has not been alleged to be connected with the motive of the offence as alleged against the co-accused. Nothing material was recovered from the petitioner during the course of investigation. Though the prosecution has shown to connect the petitioner with some evidence but same is not cogent and reliable.

5. That the prosecution story is completely silent qua motive part as well as far as petitioner is concerned. The motive advanced by the prosecution is very weak as it is beyond presumption that such heinous offence could be committed for such petty motive of eviction of house as alleged by the prosecution. Even there is no evidence available on the record which could support the alleged altercation between the parties.”

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The State's counsel opposes bail and refers to the reply.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

“3(v) From the supplementary statement of the complainant, identity of petitioner Jagdish Ram @ Mistri son of Diwan Chand resident of Jalopur;

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Fatehabad was ascertained, apart from this complete name of accused Suresh Kumar was found to be Suresh Kumar @ Kala son of Ram Sarup resident of Jalopur, Fatehabad. Apart from this it was also found that apart from above named persons Manju Rani wife of Suraj Bhan resident of Kulana, Hisar was also residing on rent and Manju Rani and Suresh Kumar were having illicit relations and on becoming aware about this fact husband of the complainant namely Prem Kumar had got vacated the house from the above named persons, due to which above named persons keep grudge with the husband of the complainant, for the reason being above named persons including the petitioner in-connivance with Manju Rani and 02 other unknown persons had murdered the husband of the complainant by firing on him. On which, vide DDR No.02, dated 26.06.2023, Manju Rani was nominated as accused in the present case FIR, correct address of the petitioner Jagdish Ram @ Mistri and Suresh Kumar @ Kala was entered and offence under section 120-B IPC was added in the present case FIR.”

8. 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. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

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

10. **Petition dismissed.** Interim orders, if any, are recalled with immediate effect. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

27.09.2024
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.