

CRM-M-23190-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23190-2024
Reserved on: 06.08.2024
Pronounced on: 30.08.2024

Ajit @ Tata ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rishi Pal Chaudhary, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. AG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
179	29.06.2020	Sadar Safidon, District Jind	302, 216, 201 & 34 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.

2. As per paragraph 18 of the bail petition and custody certificate dated 04.08.2024, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	342	01.12.2020	25/54/59 of Arms Act	Safidon, District Jind

3. The facts and allegations are being taken from the petition, which reads as follows:

“Statement of Sandeep, aged about 23 years, son of Krishan Kumar Caste SC, resident of Ram Baksh Colony Rohtak Road Jind. Mobile No. 8684930849. Stated that I am a resident of the above said address and work as a labourer. My maternal uncle resides at Village Singhana. My maternal uncle Maman Singh son of Sonath Caste Chamar had to construct a house and for helping him, I had come to house of my maternal uncle Maman Singh in village Singhana about 20 days ago. Yesterday on 28.06.2020 at around 06.30 in the evening after relieving from work, I and Jitender son of my maternal uncle Maman Singh had gone to the barber shop in Kashyap Colony Sighana for cutting and

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shaving. There in the shop of Gurmej son of Bhira, resident of Singhana, Jitender was sitting on chair for shave and Gurmej started the shave, in the meantime Sandeep son of Balbir and Ajit @ Tata son of Satpal alias Satta caste Harijan residents of Singhana suddenly came into the shop and Ajit caught hold Sandeep who was sitting on the chair by the shoulders and Sandeep was having a bodkin (ice breaking sua) in his hand and stabbed in the chest of Jitender, when I tried to caught hold him then Ajit and Sandeep ran away from the spot with bodkin. After that I informed my uncle about the incident, who had come on the spot with other family members after arranging a vehicle and after seeing serious condition of Jitender took him in a car to the Government Hospital Safidon for treatment. Where doctor declared Jitender son of my maternal uncle as dead. Jitender was never having any grudge against Sandeep and Ajit @ Tata, who suddenly entered the shop while getting shave and killed Jitender by stabbing him without any reason. Legal action be taken against them.”

4. The petitioner's counsel argued that petitioner was not present at the spot and no injury has been caused by him. Counsel further submitted that charges were framed way back in this case and witnesses are not turning up in Court to depose. It is further argued that the complainant and other material witnesses have already been examined, so there are no chances of threat, inducement or winning over of the witnesses. Out of 21 witnesses, only 11 have been examined. Moreover, petitioner is in custody since 02.12.2020 i.e. more than 03 years & 08 months.

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. The petitioner is explicitly named in the FIR and played an active role, as is apparent from its contents.

8. The petitioner's custody is of around three years and nine months, whereas the minimum sentence that can be imposed under S. 302 IPC is imprisonment for life. Given this, pre-trial custody cannot be said to be excessive.

9. 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 will likely prejudice the petitioner; this court refrains from doing so.

10. Any observation made hereinabove is neither an expression of opinion on the

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case's merits nor shall the trial Court advert to these comments.

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

(ANOOP CHITKARA)
JUDGE

30.08.2024
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.