



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

CRM-M-23797-2024

Date of Decision:-17.05.2024

Chhota Ram @ Chhota.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Akshay Kumar, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General,
Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this fifth petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.29 dated 10.02.2020 under Sections 120-B, 201, 285, 302, 506, 34 IPC and Section 25 of Arms Act registered at Police Station Julana, District Jind.

2. The present FIR came to be registered at the instance of Sandeep which reads as under:-

“ Statement of Sandeep, son of Shri Ishwar Singh resident of Pillukhera, aged 34 years Mob. 9467721537 stated that i am a resident of the above mentioned address and I do agricultural work and we are two brothers, elder brother is kuldeep and I am the younger one and yesterday dated 09.02.2020 myself, Dinesh S/o Karmsingh and Virender S/o Jagdish resident of Pillukhera had come to julana for some personal work on my bullet motorcycle number HR. 33G-5249 and after completing our work, all three of us were going back to our home on our motorcycle.



That when we reached near the gate of New Anaj Mandi on Karsola Road, a car Ritz color white bearing number HR-55X-3280 came and stoped infront of our motorcycle and after stopping the car Dasrath s/o surajbhan and chhota ram s/o surajbhan residents of Pillukhera alighted with knives in their hands and both the brothers were shouting loudly that Virender should not be saved today. As soon as Virendra heard this, he alighted from the motorcycle and started running away, while both brothers Dasrath and Chhota chased him. Virender S/o Jagdish after running for a short distance fell on the ground and then both the brothers attacked Virender several times with the knives they were carrying in their hands, when myself and Dinesh rushed towards Virender to save him, two unidentified boys sitting in the car fired in the air with their two weapons and called out to us that if we try to save him then, we will kill you too. Hearing the sound of quarrel and firing, many people came to the spot, seeing a large crowd coming to the spot, all the attackers along with their weapons ran away from the spot by sitting in their Ritz car. Then we arranged for some vehicle and shifted Virender to CHC Julana for Treatment where Dr. Saheb After dressing Virender, referred him to PGIMS Rohtak for treatment, who died during treatment in PGIMS Rohtak. Dasrath and chhota ram and two unknown persons have done wrong to Virender by killing him while injuring him with a sharp weapon and firing in the air. Strictest legal action should be taken against them and both the unknown boys can be identified when they come forward. Now I have got recorded my statement with my full conscious mind, it is heard, and found correct."

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There was an inordinate delay of 21 hours in the registration of the FIR without any plausible explanation. The petitioner was not present at the spot and was operating his mobile shop at the alleged time of occurrence. Therefore, the plea of *alibi* had not been considered by the investigating agency. The complainant Sandeep had been examined as PW-3 and there were material



discrepancies in his statement in the court. Similarly, the deposition of the other witnesses were discrepant in material particulars specially in the context of who had accompanied the deceased to the hospital. The statement of Naresh Kumar brother of the deceased could also not be believed as he has given contradictory version in his examination in chief and cross examination. Pursuant to the arrest of the petitioner on 07.06.2021 no weapon had been recovered from him. Some co-accused of the petitioner had also been granted the concession of bail. As the petitioner was in custody since 07.06.2021 but only 19 of the 42 Pws had been examined so far, the trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that the petitioner was one of the main accused as he was duly named in the FIR and is alleged to have given multiple blows with a knife on the person of the deceased. The petitioner had earlier approached this Court by way of bail petitions all of which had been withdrawn after the Court was not inclined to grant bail to him. The last petition for bail was argued and withdrawn as recently as on 26.02.2024. No significant change in circumstances had been pointed out by the petitioner for being granted the concession of bail. As he was one of the main accused, who had caused fatal injuries on the person of the deceased, he was entitled to the concession of bail.

5. I have heard the learned counsel for the parties.

6. A bare perusal of the FIR registered at the instant of Sandeep and his deposition would show that the petitioner is one of the main accused. He is said to have brutally assaulted the deceased leading to his death. Therefore, the allegations against the petitioner are grave. The co-accused were granted bail as they were not the actual assailants. The case of the



petitioner is certainly on different footing. Further this is the 5th bail application filed by the petitioner. The last one was withdrawn as recently as on 26.02.2024. No change in circumstances have been pointed out by the petitioner entitling him to the grant of bail.

7. In view of the above, I find no merit in the present petition and the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

May 17, 2024
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No