



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

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**CRM-M-24899-2023 (O&M)**  
**Date of decision: 06.08.2024**

**PAWAN GUPTA****.....Petitioner****Versus****STATE OF HARYANA****.....Respondent****CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Ms. Garima Sharma, Advocate  
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

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**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioner is seeking the concession of regular bail under Section 439 of the Cr.P.C. in case FIR No.339 dated 11.09.2019 under Sections 302/201/34 of the IPC and 25 of Arms Act, 1959 registered at Police Station Pinjore, District Panchkula.
2. It has been submitted by the learned counsel for the petitioner that the petitioner has been in custody since 22.09.2019 and till date the trial has not concluded. It has further been submitted that since it is a case based on circumstantial evidence and there is no witness of last seen to link the petitioner with the murder of Parvinder Singh @ Bittu (driver of the taxi which had been allegedly hired by the petitioner and the co-accused), the petitioner deserves to be enlarged on bail. It has also been averred that the petitioner has clean antecedents and is not involved in any other criminal case, much less having been ever declared a proclaimed offender.



3. Per contra, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions from SI Rajbir Singh, has firstly brought to the notice of this Court that there has been material concealment qua the criminal antecedents of the petitioner; the petitioner is involved in the following three criminal cases, which has been withheld from this Court:

1.FIR No.378 dated 17.07.2017 under Sections 452, 506 of IPC at Police Station Musazak, District Badayun.

2.FIR No.360 dated 03.10.2019 under Sections 25, 54, 59 of the Arms Act, 1959, Police Station Pinjore, District Panchkula.

3.FIR No.147 dated 25.07.2015 under Sections 307 of IPC, Sections 25, 54 and 59 of the Arms Act, 1959 Police Station Pinjore, District Panchkula.

It has also been submitted by the learned State counsel that although it is a case resting on circumstantial evidence, however, the petitioner and the co-accused had hired the taxi of the deceased on the pretext of going from Kalka to Baddi; the motive was to loot the taxi driver and thereafter flee away with the taxi. However, since the deceased put up resistance, he was shot dead with a country-made pistol; the said country-made pistol was recovered from none other than the petitioner; as per the ballistic report, the bullets found on the scene of crime matched with the weapon of offence, which was recovered from the petitioner. Learned State counsel has on further instructions, submitted that the delay in the



conclusion of the trial has been on account of the involvement of the petitioner in other criminal cases, for which he has to be taken on production warrants to different Courts. It has also been submitted that now only 08 prosecution witnesses remain to be examined. A prayer has, therefore, been made for dismissal of the instant petition.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The FIR was registered at the instance of complainant-Nirmal Singh alias Kaka and the relevant part thereof reads as under:-

*“Statement of Nirmal Singh alias Kaka S/o Late Mr. Balveer Singh R/o H.No. 426/1, Kuradi Mohalla Kalka, Police Station Kalka, District Panchkula, aged about 32 years, Mob. No. 9996653359. It is stated that, I am a resident of the address and have studied up to 12th standard and am a taxi driver. We were four brothers. Which my two brothers Narender Singh and Jaswinder Singh have already died. The eldest brother Parvinder Singh alias Bittu was about 40 years old. Parvinder Singh alias Bittu who also used to drive taxi. Who had installed his taxi at Kalka Railway Station. My brother Parvinder Singh alias Bittu, yesterday on dated 10.09.19 in his taxi bearing car No. HR68B-3486 SWIFT DEZIRE left five passengers from Railway Station Kalka to Baddi HP at around 10.20 P.M and at time departing my brother called my sister-in-law (Bhabhi) Jaspreet Kaur and told her that I am going to Baddi, HP by taking a ride from Kalka Railway Station, you keep calling me after 15/20 minutes. After that my sister-in-law called on my brother's phone after 20/25 minutes, then my brother Parvinder alias Bittu's phone was switched off, after which my sister-in-law woke me up from sleep time around 12:30 P.M. and told that your brother Parvinder Singh alias Bittu had taken passengers Badi HP, which has not*



*returned yet and his phone is not reachable. After that, I took my sister-in-law and wife Manpreet Kaur in my car and inquired about my brother at Baddi Tall and Barotiwala Tall, but nothing was found about my brother and his car. What I came to know today is that last night a nameless unknown dead body was found on the road near Badi village Khedanwali and I reached CHC Kalka mortuary with my family members to find out, then met and talked to you. On which you showed me and my family members the corpse kept in the freezer no. 4 in CHC Kalka Mortuary. Which dead body belongs to my brother Parvinder Singh alias Bittu, which I have come to identify very well. My brother's dead body is soaked in blood and there are marks of injuries on his head. I am quite sure that the five passengers who had gone in my brother's taxi from Railway Station Kalka to Baddi, HP, the same five passengers killed my brother by giving injuries on his head and threw his dead body on the road leading to Bahnoi Khudabaksh from village Khendawali and left the car in Barotiwala Balad River in unclaimed condition. The above mentioned five passengers have caused the death of my brother Parvinder Singh alias Bittu. Strictest legal action should be taken against them. I have written my statement to you, have heard it, read it, it is correct.”*

As per instructions received by the learned State counsel, only 08 prosecution witnesses remain to be examined, hence there is every likelihood that the trial would not take much time to conclude. No doubt, there has been some delay in the conclusion of the trial, however, it is on account of involvement of the petitioner in a number of criminal cases, which fact has been concealed from the Court.

6. Be that as it may, in the facts and circumstances as enumerated hereinabove, no ground is made out to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Learned trial Court shall, however, make earnest efforts to conclude the trial at the earliest, preferably within the next four months.

(MANJARI NEHRU KAUL)  
JUDGE

August 06, 2024  
*poonam*

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| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |