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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.25206 of 2024
Date of Decision: 27.11.2024

Karan MJ @ Karn ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Karandeep Singh Sidhu, Advocate,
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
96	13.08.2022	Cantt Ferozepur, District Ferozepur	302, 307, 148 and 149 of IPC and 25 and 27 of Arms Act, 1959

2. As per the prosecution case, the aforementioned FIR was registered on the basis of statement recorded by the complainant Monu alleging therein that on the night of 12.08.2022, he along with his family members was present in his house and was going to sleep when at about 10:30-11:00 PM some noises were heard outside. The complainant along

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with his wife Kamini and daughter Vaishnu @ Khushi came out of the house and saw that Isha, who was residing in his neighbourhood was going towards her house along with Harsh and Dev and the present petitioner along with co-accused Mohit, Chandu and 3-4 unknown persons who had come on motorcycles, had been hurling abuses while following them. Within the sight of the complainant, the petitioner and co-accused Mohit fired shots with weapons that they were carrying in their hands towards Harsh and Dev with an intent to kill them. Isha, Harsh and Dev tried to save themselves while running besides the cot where Khushi daughter of the complainant was sitting and one of the shot fired by the petitioner hit the chest of Khushi due to which she had immediately become unconscious. The complainant raised clamour and then the assailants fled from the spot. The victim was taken to the hospital but was declared to be brought dead. While alleging that the petitioner along with the co-accused had committed murder of his daughter, the complainant prayed for taking action. After registration of FIR, investigation proceedings were initiated. Inquest proceedings and postmortem examination of the dead body of the victim was conducted. The petitioner was arrested on 15.09.2022. The co-accused were also arrested. Presently, they are facing trial for commission of the aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. As per the allegations, the co-accused Mohit was also carrying a pistol and had fired towards Harsh. It is a debatable question as to the shot fired of by whom had hit the victim. The

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co-accused Mayank @ Manu, Chandan @ Chandu and Himanshu @ Happy have been extended benefit of bail. On parity, he too deserves to be given same concession. Investigation has completed. Trial is likely to take time. No useful purpose would be served by keeping him in custody any more. Therefore, it is urged that he deserves to be extended benefit of bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has vehemently argued that there are specific and serious allegations against the petitioner since the shot fired from his pistol had hit the victim and had led to her instantaneous death. The trial is going on at the proper pace and there is nothing on record to show that there would be any undue delay in conclusion thereof. The case of the co-accused who have been extended benefit of bail is not on the similar footing as that of the present petitioner. He is a habitual offender. There are chances of his absconding or intimidating the witnesses if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

6. The petitioner is alleged to have formed membership of an unlawful assembly and in prosecution of common object of that unlawful assembly, he is alleged to have fired a shot with pistol towards Harsh which had hit the victim Vaishnu @ Khushi and caused her death. The allegations against co-accused Chandu who has been extended benefit of bail are not the same. The allegations against the petitioner are serious in nature. Keeping in

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view the gravity of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

27.11.2024
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(MANISHA BATRA)
JUDGE

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