



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

CRM-M-27786-2024

Date of Decision:-30.07.2024

Darpan Kumar Singla.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

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

Present:- Mr. Mohd. Yousaf, Advocate for the Petitioner.

Mr. Deepak Grewal, Deputy Advocate General, Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this fourth petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.477 dated 07.12.2019 under Sections 307, 34 IPC and Offence under Section 25/54/59 of Arms Act (later on Section 34 IPC replaced with 120-B IPC) registered at Police Station Ambala City, District Ambala.

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

“ Statement of Rajesh Kumar son of Sh. Prahlad Ahluwalia resident of H.No.397, Sector 7, Ambala, P.S. Baldev Nagar, District Ambala aged 58 years. Stated that I am resident of above said address. I am running a hotel at railway road in the name of grand hotel on 06.12.2019 at around 06.00 pm. I myself drove and went to my hotel from my house in Silver Coloured Sentro Car bearing HR-01-W-9277. At about 10.15 pm I was on the way to my house while driving my car bearing no.HR-10W-9277. It was about 10.30 pm I reached City Plaza, Ambala City then from my back side two young boys came on motor cycle at the conductor side and the pillion rider signalled me to stop the car and after I pulled the pane down after stopping my car then



the pillion rider with an intention to kill me fired gun shot which hit at the left side of my head. After, firing these two boys fled away on their motor cycle towards polythchnical chowk Ambala. Huge blood started to ooze out of my head and I came out of the car then the passerby brought me to civil hospital, Ambala in my car from the doctor after giving first aid referred me to PGI, Chandigarh. The passerby had informed my house at that time only. My family members also reached at Civil Hospital, Ambala City, who got me PGIChandigarh in Ambulance and got me admitted at PGI Chandigarh. At PGI Chandigarh I have got my statement recorded with you. The two boys on their motor cycle have fired at me with an intention to kill me. Necessary legal action may be taken against them and it may be enquired that due to which or at whose asking they have done brutal attack on me. I have got my statement recorded with you at PGI Chandigarh in the presence of my daughter Shaina, heard which is correct. Sd/- Rajesh Kumar dated 07.12.2019."

3. During the course of the investigation, on 09.02.2020 on the basis of secret information co-accused Rohit Chawla @ Monu was arrested and on his disclosure statement Davender Batra, Jitender Nath Sharma and Anil Kumar were arrested. It came on record that the above named persons were tenants of the complainant and they had all by hatching a criminal conspiracy arranged the contract killers and thereby the present crime was committed by the petitioner and his co-accused Sukhwinder Singh. Section 120-B IPC was added in the present case.

Sukhwinder @ Moni and Jatin Kumar were arrested in case FIR No.45 dated 23.01.2020 under Sections 302, 34, 120-B IPC and 25 of Arms Act P.S. Division No.5, Ludhiana, Punjab. They were taken on production warrants and Sukhwinder @ Moni got recovered one countrymade pistol used in the commission of the offence. He also disclosed the hotels/places where they had stayed prior to the occurrence and after the occurrence.

During the investigation it came to light that the petitioner

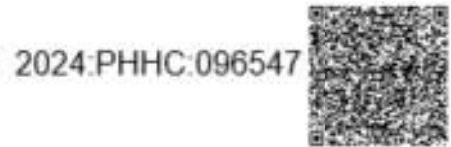


Darpan Singla had been arrested in FIR No.45 dated 23.01.2020 under Sections 302, 34, 120-B IPC and 25 of Arms Act P.S. Division No.5, Ludhiana, Punjab. He was taken on production warrants and joined in the investigation of the present case. He disclosed that he alongwith Sukhwinder @ Moni and Jatin Kumar had committed the offence on the asking of Devinder Batra @ Titu etc for which they had received a huge amount of money. While he was driving the motor cycle Sukhwinder @ Moni had been sitting on the pillion seat and had fired upon the complainant after which they all fled away and stayed at different locations.

During the course of investigation, the details of the accused persons who had stayed in different hotels was collected along with the CDRs of the petitioner with other persons.

4. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The name of the petitioner has figured in the disclosure statement of his co-accused. However taking the allegations to be correct the petitioner was only driving the motor cycle and the actual assailant was co-accused Sukhwinder Singh. The co-accused of the petitioner who were the conspirators had been granted the concession of bail. As the petitioner was in custody since 02.02.2021 but only 05 out of the 39 Pws, the trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

5. The Counsel for the State on the other hand has filed a reply by way of affidavit dated 22.07.2024 of Ms. Srishti Gupta, IPS, Assistant Superintendent of Police, Ambala, District Ambala, which is taken on record. While referring to the said reply he contends that the petitioner and his co-accused Sukhwinder @ Moni had been hired by the other accused to commit the murder of the complainant. The petitioner was the driver of the



motor cycle on which the assailant was a pillion rider who had shot at the complainant. The nature of the allegations levelled against the petitioner did not entitle him to the concession of bail. Even otherwise, he was a serial offender with multiple cases registered against him and there were no significant change in the circumstances after his third bail application had been argued at length and withdrawn on 08.02.2024.

5. I have heard the learned counsel for the parties and examined the record.

6. As per the investigation conducted, the petitioner along with Sukhwinder @ Moni is the main accused. The petitioner was driving the motor cycle on which Sukhwinder @ Moni was a pillion rider who had fired on the complainant. Pursuant to the arrest of the Sukhwinder @ Moni the weapon of offence had also been recovered from him. He is a habitual offender with multiple cases registered against him. No significant change in circumstances have been pointed out by the counsel for the petitioner entitling the petitioner to the grant of bail after his third bail application came to be argued at length and withdrawn on 08.02.2024.

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

8. However, keeping in view the period of custody, the Trial Court is directed to conclude the Trial within 06 months from the next date of hearing fixed before it.

(JASJIT SINGH BEDI)
JUDGE

July 30, 2024
Vinay

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