

CRM-M-31056-2024

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(206) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31056-2024

Date of Decision: 03.10.2024

BILAL

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

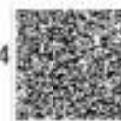
Present: Mr. Sanpreet Sandhu, Advocate
for the petitioner.

Mr. A.S. Chaudhary, Addl. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in this 2nd petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.139 dated 01.07.2021 (Annexure P-1) registered under Sections 148, 149, 302, 120-B, 201 IPC at Police Station Buria, District Yamuna Nagar.

2. The present FIR came to be registered at the instance of Chand son of Nasir Hasan, who stated that he was a driver. He had 9 brothers and sisters and one of his brothers namely, Shadab (deceased) was about 28 years old. On 01.07.2021, he received information from one Pintu Rana a friend of his brother Shadab that 10-12 boys had caused injuries to his brother on the bridge of Amadalpur and had fled away. Based on this information, he went to the spot along with his brothers Tajim, Mausin and Rijwan. The villagers had already called an ambulance to the spot. He along with his brothers took

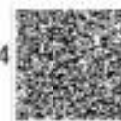
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the injured brother Shadab to the Civil Hospital, Yamuna Nagar from where he was referred to the hospital at Chandigarh. However, on the way his condition deteriorated and his brother was got admitted at Gaba Hospital, Yamuna Nagar where he expired. He had come to know that on account of an old enmity, Abhishek Kamboj alias Shaka, Sonu Gujar son of Satpal, Bilal (petitioner) son of Matlub, Usman son of Waqil, Charanjit Rana, Abid and Monty had caused injuries on account of which his brother had expired. There were other 10/12 other unknown persons. Action was sought against the accused.

Mohit (granted bail vide order dated 27.03.2023 passed in CRM-M-60760-2022) son of Jagbhushan was arrested on suspicion and he named Sachin Saini (since granted bail vide order dated 09.01.2023 passed in CRM-M-22870-2022), Bilal (petitioner), Aarif (since granted bail vide order dated 01.03.2023 passed in CRM-M-9896-2023), Vasim Akram (since granted bail vide order dated 15.02.2023 passed in CRM-M-7242-2023), Mohd. Suleman @ Intjar (since granted bail vide order dated 21.03.2023 passed in CRM-M-12815-2023), Shehban Khan, Charanjit Rana and Kapil @ Kaplu (since granted bail vide order dated 09.02.2023 passed in CRM-M-41251-2022).

During further investigation, Bilal was arrested who disclosed the name of Mohit son of Jagbhushan, Sachin Saini, Aarif, Vasim Akram, Intjar, Shehban Khan, Charanjit Rana and Kapil @ Kaplu as the accused who had caused injuries with an intention to kill. The recovery of a bloodstained iron pipe and motorcycle was effected from the petitioner stated to be one of the assailants.

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3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Though, he is named in the FIR, it is only on the basis of hearsay evidence. The recovery of a bloodstained iron pipe had been planted upon the petitioner and there was no blood grouping available. The petitioner was in custody since 29.08.2021 but only 03 of the 46 prosecution witnesses had been examined so far. Therefore, the trial of the present case was not likely to be concluded anytime soon and so he was entitled to the concession of bail moreso when many of his co-accused had been granted the similar concession.

4. A reply dated 24.09.2024 by way of an affidavit of Rajeev Miglani, HPS, Deputy Superintendent of Police, Jagadhri has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. He contends that the petitioner was duly named in the FIR. Pursuant to the arrest of Mohit, he suffered his disclosure statement describing the manner in which the offence was committed. As per the said disclosure statement, the petitioner was one of the main assailants. An iron pipe had been recovered from him which had been found to be bloodstained as per the report of the FSL. Call detail records had established that the petitioner along with his co-accused was present at the spot at the time of the incident. Therefore, the nature of the allegations levelled against the petitioner did not entitle him to the concession of bail even though his co-accused who had not been named in the FIR had been granted the similar concession. Even otherwise, he was a habitual offender with two other cases arising out of FIR No.76/2016 dated N/A U/s 325, 323 and 34 IPC, P.S. Buria, Yamuna Nagar

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and FIR No.99/2017 dated 08.09.2017 U/s 148, 149, 307 and 120-B IPC and Sections 25/54/59 of Arms Act, P.S. Buria, Yamuna Nagar.

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

6. As per the case of the prosecution the petitioner is named in the FIR and is one of the main accused having caused multiple injuries on the person of the deceased. The recovery of a bloodstained iron pipe was effected from him pursuant to his arrest. Therefore, the case of the petitioner cannot be equated with that of his co-accused who have been granted the concession of bail as they were named in disclosure statements. Further, merely because the petitioner has been in custody for more than 03 years would not entitle him to the grant of bail looking at the attending facts and circumstances. Even otherwise the instant 2nd bail application has not been filed on the basis of any significant change in circumstances.

7. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

8. However, the Trial Court is directed to conclude the Trial as expeditiously as possible.

(JASJIT SINGH BEDI)
JUDGE

03.10.2024

JITESH

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