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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

284

CRM-M No.36107 of 2024
Date of Decision: 28.08.2024

Karamjit alias Candy ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. D.S. Matya, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

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

FIR No.	Dated	Police Station	Sections
129	29.10.2020	Bapoli, District Panipat	307, 109, 120-B and 34 of IPC and 25 of Arms Act, 1959

2. Brief facts of the case, relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Sandeep on 29.10.2020 alleging therein that his sister Ranjana was married with accused Raj

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Kumar about 15 years back. Due to matrimonial discord, some litigation was pending between them. His sister was residing alone in a room existing at the first floor of her matrimonial house. On the same day at about 7:30 PM, he received a telephonic call from his sister that two youths had fired two shots at her while proclaiming that they had been sent by her husband to kill her. She also informed that she was coming to Panipat in an auto rickshaw. The complainant took his sister to Government hospital as she was injured and then she was admitted at Prem Hospital, Panipat. After registration of FIR, investigation proceedings were initiated. The accused Raj Kumar was arrested. He suffered disclosure statement admitting his involvement in the subject crime by hatching conspiracy with the co-accused Sunil. The co-accused Sunil was arrested. He too suffered disclosure statement and took the name of the petitioner as the person who fired shot at the victim in conspiracy with him and the co-accused Raj Kumar. On the basis of disclosure so made, the petitioner was nominated as an accused in this case. He was arrested on 18.10.2021. Presently, he is facing trial for commission of aforementioned offences. He moved application for grant of regular bail which was dismissed by the learned trial Court vide order dated 08.05.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR and has been implicated on the basis of disclosure statement suffered by the co-accused Sunil which was not admissible in evidence. No recovery has been effected from him. The trial is likely to take time. The co-accused Raj Kumar and Sunil have already been extended benefit of bail. On parity, he

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too deserves to be extended the same benefit. There are no chances of his absconding or intimidating the witnesses. Hence, it is argued that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is argued by learned State counsel in terms of this report that there are serious allegations against the petitioner. He is involved in several other cases and has criminal antecedents. He along with co-accused Sunil took contract to kill the wife of co-accused Raj Kumar and had fired upon her on the fateful night. The injuries found on the person of the victim were opined to be dangerous to life. The victim has supported the prosecution version. There are chances of petitioner's absconding if extended benefit of bail. His case is not at parity with the case of the co-accused as it was he who had fired shot at the victim with intention to kill her. Hence, it is argued 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 accused Raj Kumar who is husband of the victim is alleged to have engaged the co-accused Sunil as a contract killer to eliminate her as he is allegedly having strained relations with her. The accused Sunil is further alleged to have conspired with the present petitioner and joined him for the purpose of killing the wife of the co-accused Raj Kumar. He is further alleged to have fired two shots with pistol upon the victim Ranjana. The medico legal report copy of which has been placed on record shows that the victim had sustained firearm injury on the left side of her chest and

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inverted wounds on left side of back and left buttock. The investigation has since been completed. The trial has commenced. The petitioner is alleged to be involved in five other cases some of which are of similar nature. However, it is not in dispute that he has been released on bail in three of such cases and has been acquitted in one of them. The victim has since been examined and has supported the prosecution version. The co-accused Raj Kumar who is infact the precipitator of the crime as well as PW-3 Sunil, have been extended benefit of bail by Coordinate Benches of this Court vide orders dated 05.12.2023 and 24.01.2022 respectively. The trial is likely to take time. The petitioner is in custody for a period of over two years and ten months. Keeping in view the period of incarceration of the petitioner, the fact that the trial is likely to take time as so far only three witnesses have been examined and on the ground of parity but without meaning to make any comment on the merits of the case, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

28.08.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No