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

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Date of Decision:- 21.10.2024

Bilawar Singh alias Dilawar

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Amit Sheoran, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Akshay Kumar, Advocate for complainant.

AMARJOT BHATTI, J.

1. The petitioner – Bilawar Singh alias Dilawar has filed petition under Section 439 of Cr.P.C. for grant of regular bail in FIR No. 413 dated 17.11.2022 registered under Section 120-B, 148, 149, 302, 307, 506 of Indian Penal Code, 1860 and Section 25 of Arms Act, at Police Station Bawani Khera, District Bhiwani.

2. As per the facts of case, Chandi Ram complainant gave his statement to the police that his elder brother Mahender aged about 48 years was doing agricultural work and was unmarried. There was election of Sarpanch in their village on 02.11.2022 and he was supporting Bhup Singh as candidate for Sarpanch. On 31.10.2022, Balraj, Mohit, Silak, Zora, Vikas, Vikram, Abhimanyu, Raj Kumar, Upaan, Sombir, Nupad, Sukhbir, Anil, Rohit and Pawan hatched a criminal conspiracy. Even before elections, they threatened his brother Mahender and Ajit alias Walia to kill them. Bhup Singh had won the elections and for this reason, aforesaid

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persons nourished grudge against them. On 16.11.2022 at about 6:00 PM, his brother Mahender and Ajit alias Walia were coming to village in a car make Ritz bearing No.HR-16-N-5061 and the road was blocked due to stubble lying on the road. Mahender came out of the car to help its driver Ajit alias Walia in reversing the car. In the meantime, near Gopi's Chakki, Silak, Upaan, Raj Kumar and 2-3 persons came armed with weapons on motorcycles and started indiscriminate firing in which Mahender and Ajit alias Walia were hit by several bullets. Mahender died on the spot and Ajit alias Walia was injured who was shifted to CHC, Dhanana. With these allegations, present FIR has been registered. During the course of investigation, name of present petitioner cropped up.

3. Learned counsel for petitioner argued that petitioner was not named in the FIR. He was involved in this case on the basis of disclosure statement of co-accused Silak and was arrested in this case. Said Silak is distant relative of present petitioner. He was not named even in the supplementary statement of Chandi Ram dated 21.11.2022 (Annexure P-2). He is falsely involved in this case on the limited allegations of conspiracy. His regular bail application has been wrongly declined by learned Sessions Court Bhiwani. He is in custody since 06.01.2023. He is ready to abide by the terms of bail order. Therefore, his regular bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State. He has placed on record disclosure statements of co-accused Manoj @ Ganju, Silak Ram, Pardeep @ Sonu and Nitin @ Charitr which are Annexure R-2 to R-5 respectively. Disclosure statement of present petitioner is Annexure R-1. Learned counsel representing State referred to

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the status report giving detail of previous enmity going on between the two families. As a result, several FIRs have been registered against each other including FIRs of murders. As per the status report, present petitioner is connected with the crime on the basis of call detail record with Silak Ram and Manoj @ Ganju. It is claimed that present petitioner was key conspirator in the murder of Mahender. Specific role is attributed to the present petitioner. It is pointed out that after completion of investigation, challan has been presented and prosecution evidence is under progress. Statement of Ajit alias Walia has been partly recorded and application under Section 319 Cr.P.C. has been filed by the prosecution for summoning of additional accused. Copy of said statement is Annexure R-6. It is further mentioned that present petitioner was involved in two other FIRs in which he was acquitted. There are specific serious allegations against the present petitioner. Therefore, he is not entitled to be released on bail.

5. I have considered the arguments and have gone through the detailed status report showing old enmity between two groups resulting into murders and other serious offences as detailed in the status report. Name of present petitioner has cropped up during investigation that he was conspirator in engaging other persons for the murder of victim Mahender whereas Ajit alias Walia survived in the said occurrence. On completion of investigation, challan is already presented and case is fixed for prosecution evidence. Complete statement of Ajit alias Walia who survived in the said occurrence has not been recorded. At present, application under Section 319 Cr.P.C. has been filed for summoning of additional accused.

6. Considering the gravity of offence and the facts detailed in the



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status report, I do not find a fit case for regular bail at this stage and the same is accordingly declined. Since petitioner is in custody, therefore, learned trial Court is directed to expedite the trial.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly.

21.10.2024
Sunil Devi

(AMARJOT BHATTI)
JUDGE

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