

CRM-M-61048-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61048-2023
Reserved on: 04.04.2024
Pronounced on: 24.04.2024

Ajit Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Parikshat Sharma, Advocate for the petitioner.

Mr. Rajat Gautam, Addl. AG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
126	21.04.2019	Nissing, District Karnal	120-B, 148, 149, 302, 323, 324, 452 IPC and 25/54/59 of Arms Act

1. The petitioner incarcerated in the FIR captioned above, on the allegations of being actively involved in a case where three persons were murdered and two were injured and is in custody since 13.05.2019, had come up before this Court under Section 439 CrPC seeking bail.
2. In paragraph 25 of the bail petition, the accused declares that he has no criminal antecedents.
3. The petitioner contends that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. The State opposes the bail.
5. Facts of the case are being taken from the reply dated 03.01.2024, which reads as under:-

“1. That the present case has been registered on the statement of Rajesh son of Prem Lal, resident of Dhintana, Sitamai under section 120-B, 148, 149, 302, 323, 324 and 452 IPC alongwith under section 25 (54) 59 Arms Act, 1959, P.S. Nissing. The brief facts of the case are that a dispute was

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pending between him (complainant) and his cousin son of Satpat and it was fixed for hearing on 08.05.2019 before the Hon'ble High Court. On 19.04.2019 the police has taken preventive action u / s 107/151 Cr. P.C. against him (complainant) and Satish etc but Satish still has grudge against him. On 20.04.2019 Nafe Singh, Ravi, Parveen and Rohit residents of Jind had come to see him. According to a plan, Satish has called Ajit son of Karam Singh Leela, Dhola both sons of Karam Singh, Amit @ Bosh son of Dharampal, Rohit son of Inder, resident of Panipat and 10-15 unknown persons at his house. Ravinder son of Satbir resident of Ram Nagar was also accompanying them with vehicle i.e. Ecco No.HR-08-W-8574 besides two motorcycles. They all in furtherance of the common object of the family members of Ramphal and Satish caused injuries with sharp weapons and iron rods after trespassing at the house of complainant Rajesh and caused grievous injuries on the person of Nafe Sing, Ravi, Parveen, Rohit and his wife Reena and that due to the injuries Nafe Singh and Ravi died and that Parveen and Reena was under treatment at Amritdhara Hospital Karnal and thus a case against Satish, Ramphal, residents of Dhintana and their family members besides Ajit, Leela, Dhola, Amit and Ravinder, residents of Ram Nagar, Sonapat and Rohit of Panipat was registered. Later on Parveen son of Satyawar resident of Jamni also died. After registration of the case the investigation was carried out. Statements under section 161 Cr.P.C of injured Reena and others were recorded and during investigation the accused/ petitioner arrested was on 13.05.2019 along with Amit alias Bose s/o Dharampal , Mohan alias Monu S/o Mahaveer Singh and Satish alias Lila S/o Karam Singh and they suffered their respective disclosure statement separately vide which they admitted the commission of crime of the present case and petitioner and his co-accused Amit alias Bose S/o Dharampal, Mohan alias Monu s/o Mahaveer Singh got recovered Ecco Car bearing no. HR08W-8574 and its key and the petitioner accused has got recovered wooden binda under the mat of dicky of the car.”

6. I have heard counsel for the parties and gone through the record.

7. Petitioner’s counsel primarily seeks bail on the ground of parity with co-accused Rishi Pal, to whom, Coordinate Bench of this Court had granted regular bail vide order dated 08.02.2022 passed in CRM-M-45233-2021. Based on the said order, this Court had also granted regular bail to another co-accused Amit @ Shankar vide order dated

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18.02.2022 passed in CRM-M-746-2022. Counsel further submitted that cause of death of the deceased person was stabbing by knife and only danda was recovered from the petitioner and no blood stain was found present, therefore the petitioner is entitled to bail. He further argued that complainant-PW1, PW2 & PW3 were declared hostile. Petitioner did not file regular bail at that stage and filed his petition for regular bail in November 2023 i.e after a gap of nine months.

8. On the contrary, State has opposed the bail as there is a case of direct evidence that petitioner and his co-accused had caused injuries to Nafe Singh, Ravi, Parveen, Rohit and his wife Reena and due to these injuries Nafe Singh and Ravi died, Parveen and Reena were taken to the hospital. Later on Parveen had also died in the hospital. Thus all the three persons died due to injuries caused by petitioner along with co-accused and there is prima facie evidence against the petitioner. State has further opposed the bail on parity by referring to para Nos.11 & 12 of the reply dated 03.01.2024, which reads as follows:-

“11. That in reply to the contents of the para No.11 of the petition it is submitted that the role of the petitioner is different from co-accused Amit @ Shankar who was granted regular bail by this Hon’ble Court.

12. That in reply to the contents of the para No.12 of the petition it is submitted that co-accused Mohan @ Monu was a driver of the car in which co-accused had come to the village Sitamai and the complainant has not alleged any overt action against him in the FIR moreover accused Rishi was granted regular bail on medical ground by this Hon’ble Court vide order dated 06.08.2021 therefore the case of the petitioner is different from co-accused Mohan @ Monu and Rishi.”

9. The co-accused Amit @ Shankar was granted bail by this Court as Coordinate Bench of this Court granted bail to a similarly placed accused in CRM-M-45233-2021 vide order dated 08.02.2022, but the present petitioner is on different footing to the above said accused persons and the petitioner cannot seek bail on parity. It is for the reason that there was sufficient evidence involving the petitioner in the murder of three persons and causing injuries to two persons. Another reason for denying bail is being taken from para 2 of the reply, as per which, all the material witnesses stand examined and the State had given undertaking that they will not delay the trial which was already at the final stage.

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10. Thus, in the entirety of facts and circumstances, quality of evidence collected against the petitioner and more importantly that the trial is at the fag end, petitioner fails to make out a case for bail. Any further discussions are likely to prejudice the petitioner; this court refrains from doing so.

11. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

The petition is dismissed. All pending applications, if any, stand closed.

(ANOOP CHITKARA)
JUDGE

24.04.2024
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Whether speaking/reasoned:	Yes
Whether reportable:	No.