

CRM-M-63104-2023
Decided on : 15.01.2024

Ankur Petitioner

State of Haryana Respondent

Versus

Present : Mr. Naresh Jain, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.512 dated 28.12.2020 under Sections 302 IPC and 25 of Arms Act (Section 201 and 109 IPC added later on) registered at Police Station Hisar Civil Lines District Hisar.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case as neither any motive had been attributed to him for committing the murder of Rajesh Sharma (hereinafter referred to as 'deceased') nor any weapon of offence recovered from him. It has been further submitted that even the presence of the complainant and the alleged eyewitness Pawan Rana was doubtful at the place of occurrence, as in the FIR, the complainant had stated that he alone had arranged a conveyance to remove the deceased to the hospital. Furthermore, the statements of alleged

eyewitness Pawan Rana under Sections 161 and 164 Cr.PC had been recorded after a gap of almost one month, which created a huge dent in the case of the prosecution. It has been, thus, submitted that keeping in view the aforementioned facts and circumstances and the long custody of the petitioner, who was arrested on 31.12.2020, the petitioner be extended the concession of bail as the prosecution evidence was still underway.

3. While controverting the prayer and submissions made by the learned counsel for the petitioner, learned State counsel has submitted that the occurrence in question is based on eyewitness account; the occurrence was witnessed by the complainant and one other eyewitness Pawan Rana, who named the petitioner at the very first instance when the FIR was registered and spelt out the manner and mode in which the crime in question was given effect to including the role played by him. While drawing the attention of this Court to the FIR in question, it has been further submitted that it clearly finds reflected therein that the petitioner, who was armed with a fire-arm, fired repeatedly on the deceased and on account of fire-arm injuries, the deceased met his end. It has still further been submitted that the occurrence in question took place in broad day light, eliminating the possibility of any misidentification of the petitioner. Learned State counsel has, on further instructions, informed the Court that only 10 prosecution witnesses remain to be examined and all the material witnesses while stepping into the witness box, had supported the case of the prosecution. Hence, the petitioner, in the wake of serious allegations

levelled against him and the role played by him in the murder of the deceased, did not deserve to be enlarged on bail.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. *Prima facie*, there are serious allegations levelled against the petitioner, which already stand detailed in the FIR in question. The case in hand rests on eyewitness account, which was registered promptly by the brother of the deceased. As per instructions received by the State counsel, all the material witnesses have supported the case of the prosecution.

6. In the facts and circumstances as enumerated hereinabove, this Court deems does not deem it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition stands dismissed.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

15.01.2024
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(MANJARI NEHRU KAUL)
JUDGE

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