

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

**CRM-M No.28664 of 2020
Date of Decision: 27.11.2020**

Jagdish @ Jagga

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sandeep Gorsani, Advocate
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

RAJ MOHAN SINGH, J.

[1]. The case was taken up for hearing through video conferencing.

[2]. Petitioner seeks grant of regular bail in his 7th attempt under Section 439 Cr.P.C in case bearing FIR No.140 dated 03.05.2014, registered under Sections 302, 120-B and 34 IPC and Section 25 of Act No.54 of the Arms Act (Section 216 IPC added later on and Section 25 of Act No.54 of the Arms Act deleted) at Police Station Kanina, District Mahendergarh, Haryana.

[3]. Earlier, petitions bearing CRM-M No.43345 of 2016 and

CRM-M No.22223 of 2017 were dismissed on merits. The allegations are that petitioner along with co-accused picked up an earthen pitcher and hit on the head of Des Raj @ Ravan. The accused thereafter inflicted injuries with rod and sticks on the head of Des Raj @ Ravan, who ultimately died on account of those injuries. Co-accused Pawan and Manjeet have already been convicted and sentenced to life imprisonment. Other co-accused Rajesh, Ashok and Sonbir have been convicted and sentenced to undergo rigorous imprisonment for a period of 4 years along with fine of Rs.5,000/-.

[4]. Petitioner was declared as a proclaimed offender on 11.11.2014 and his presence was only secured on 18.06.2015. Since then petitioner is in custody. CRR No.1430 titled '*Kuldeep Singh vs. State of Haryana*' is pending in the High Court against the order dated 30.01.2016 passed by the trial Court under Section 319 Cr.P.C.

[5]. Petitioner is the main accused. Petitioner remained a proclaimed offender for some time. Co-accused have been convicted and sentenced. Earlier petitions for grant of regular bail were dismissed on merits. Though the petitioner has been acquitted in FIR No.275 dated 08.06.2017 under Section 42-A of the Prisons Act, P.S. City Narnaul, Mahendragarh; FIR No.151/2014 under Sections 285, 34 IPC, P.S. Sadar Charkhi

Dadri, Charkhi Dadri; and in FIR No.117 dated 14.03.2013 under Sections 148, 149, 307, 323, 341, 427 IPC and Sections 25/54/49 of the Arms Act, P.S. City Charkhi Dadri, Charkhi Dadri, but in the present case, the petitioner is the main accused, who remained away from the law for some time, therefore, no indulgence can be granted in favour of the petitioner.

[6]. Material witnesses have already been examined including the complainant. Out of 16 prosecution witnesses, 9 witnesses have already been examined upto 18.12.2019. Now there are chances of examination of remaining witnesses in physical hearing before the trial Court.

[7]. In view of antecedent behaviour of the petitioner while remaining away from law, this Court is not of the view that he is entitled for any such indulgence for grant of regular bail at this stage. This petition is accordingly dismissed.

(RAJ MOHAN SINGH)
JUDGE

November 27, 2020

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No