
(2020) 12 RAJ CK 0035

Rajasthan High Court, Jaipur Bench

Case No: Criminal Miscellaneous Bail Application No. 14089 Of 2020

Pankaj Jaipal @ Foji

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision: Dec. 3, 2020

Acts Referred:

Code Of Criminal Procedure, 1973 " Section 439#Indian Penal Code, 1860 " Section 120B, 307, 386, 450, 452#Arms Act, 1959 " Section 3, 25#Evidence Act, 1872 " Section 27

Citation: (2020) 12 RAJ CK 0035

Hon'ble Judges: Mahendar Kumar Goyal, J

Bench: Single Bench

Advocate: Sikander Ali Chopdar, S.S. Ola

Final Decision: Dismissed

Judgement

1. The present bail application has been filed under Section 439 Cr.P.C. The petitioner has been arrested in connection with FIR No.1130/2019

registered at Police Station Mansarover, District Jaipur for the offence(s) under Section(s) 307 & 452 of IPC and 3 & 25 of the Arms Act and later

on for the offences under Sections 307, 386, 450 & 120-B of IPC and Section 3/25 of the Arms Act.

2. It is contended by learned counsel for the petitioner that FIR is against unknown person. He submitted that the incident is dated 23.10.2019;

whereas, recovery of the weapon of offence allegedly at his instance has been shown from rented premises at Gurugram on 24.10.2019. He

submitted that in the entire charge- sheet, no statement of the landlord has been recorded nor, the seizure memo shows his signature as a witness. He

submitted that thereafter, his arrest has been shown from Jaipur on 25.11.2019 rendering the prosecution story to be improbable. He submitted that the

petitioner is in custody for last about one year, co-accused persons have been extended benefit of bail by the learned Sessions Court itself, trial of the

case will take time and prays for his release on bail.

3. Learned Public Prosecutor opposing the bail application submitted that there is grave allegation against the petitioner of injuring mother of the

complainant with gun fire and the weapon of offence has been recovered on the information furnished by him under Section 27 of the Indian Evidence

Act, 1872. He submitted that the petitioner has been identified in the test identification parade by the injured. He submitted that there are 11 other

criminal cases registered against the petitioner out of which some cases involve offences of serious nature. He submitted that in these circumstances,

case of the petitioner cannot be treated at parity with the cases of co-accused persons who have been extended benefit of bail by learned Sessions

Court and the petitioner does not deserve indulgence of bail.

4. Taking into consideration the submissions advanced by learned counsels for the respective parties, the nature and gravity of allegation against the

petitioner, the material available in the case diary and especially the criminal antecedents of the petitioner which involve offences of similar nature as

well as other heinous offences; but, without expressing any opinion on the merits of the case, I am not inclined to enlarge the petitioner on bail.

5. The bail application is dismissed accordingly.