

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-11592 of 2015

.....

Date of decision:1.7.2015

Balinder alias Johini

...Petitioner

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. V.S. Rana, Advocate for the petitioner.

Mr. Sidharth Sanwana, Deputy Advocate General, Haryana
for the respondent-State.

.....

Inderjit Singh, J.

Balinder alias Johini-petitioner has filed this second petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.228 dated 4.9.2013 registered for the offences under Sections 147, 148, 149, 307, 323 and 452 IPC and Sections 25 and 27 of the Arms Act at Police Station Bhattu Kalan, District Fatehabad.

Notice of motion was issued in this case. Mr. Sidharth Sanwana, learned Deputy Advocate General, Haryana, has appeared on behalf of the respondent-State and contested this petition. Police record has also been perused.

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

The FIR in the present case has been registered on the basis of complaint given by Bhanwar Singh. As per prosecution version, Balinder

alias Johini-petitioner, Satpal and Maini (co-accused) fired gun shots from their respective pistols towards Billu with an intention to kill him and the bullets hit on the neck, chest and left side of the stomach.

Learned counsel for the petitioner argued that the petitioner is in custody for the last more than 1½ years and the case is not going to be decided at the earliest.

Learned Deputy Advocate General argued that in this case three additional accused have been summoned under Section 319 Cr.P.C. and only one out of them has appeared before the trial Court. He has also argued that if the accused is released on bail, he may tamper with the evidence as even the statements of injured as well as complainant have not been completed.

Keeping in view the nature and gravity of the offences and that the petitioner is one of the main accused, was armed with deadly weapon and caused injuries and further the injured, complaint etc. have not been examined so far, therefore, there is every chance of tampering with the evidence. The first bail petition of the petitioner has already been dismissed on merit on 6.6.2014 by this Court. Therefore, I do not find any ground to grant the bail to the petitioner. The criminal miscellaneous petition is dismissed.

As the petitioner is in custody for a long period, therefore, the trial Court is directed to expedite the disposal of the case by giving short adjournments and by taking effective steps preferably within six months.

July 1, 2015.

(Inderjit Singh)
Judge

hsp