

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-14932 of 2015

DATE OF DECISION: 13.10.2015

Paramjeet

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper may be allowed to see judgment? (Yes/No)**
2. **To be referred to reporters or not? (Yes/No)**
3. **Whether the judgment should be reported in the Digest? (Yes/No)**

Present:- Mr. Samir Rathore, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 101 dated 14.7.2014 registered under Sections 147/149/302 IPC at Police Station Rajaund, District Kaithal.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case, whereas, no offence is made out against him. He has been implicated only on the basis of hear-say statement of Satbir Singh, who had narrated the allegations mentioned in the FIR, on the basis of facts allegedly disclosed to him by one Kuldeep Singh. Learned counsel further contends that said Kuldeep Singh was examined as PW-1 by the prosecution on 6.1.2015 but even as per his

statement, no case is made out under Section 302 IPC against the petitioner. Neither any specific role nor any injury has been attributed to the petitioner by the complainant or PW-1. The petitioner was not having any motive to cause injuries to the deceased and he is not a previous convict. Nothing is to be recovered from the petitioner and no purpose would be served by keeping him behind the bars. It is also the argument of learned counsel that after the examination-in-chief of PW-1, the prosecution has filed an application under Section 319 Cr.P.C. for summoning of an additional accused and trial will take long time to conclude as it will be de novo trial.

Learned counsel for the respondent-State opposes the submissions made learned counsel for the petitioner on the ground of seriousness of the offence. He contends that the petitioner has played an active role and there was common intention of all the accused to take Pardeep on the roof of the house and to cause injuries to him with dandas and bricks. The petitioner does not deserve the concession of bail at this stage.

Learned counsel appearing for the complainant also opposes the submissions made by learned counsel for the petitioner and contends that in case of offence under Sections 147 and 149 IPC, individual role is not to be considered as allegations of common intention as well as of conspiracy are also there.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR as well as other documents available on the file.

As per allegations levelled in the FIR, deceased-Pardeep was taken on the roof of the house and all the accused caused injuries to deceased due to which he died. It has specifically been mentioned in the

FIR that the petitioner along with other co-accused were involved in commission of offence. All the accused in furtherance of their common intention gave beatings and caused injuries to deceased-Pardeep with dandas and bricks. Moreover, in the case of offence under Sections 147,149 IPC, individual role of the accused is not to be seen when they were sharing common intention.

Accordingly, no ground is made out to grant regular bail to the petitioner. The petition being devoid of any merit is hereby dismissed.

October 13, 2015
pooja

(DAYA CHAUDHARY)
JUDGE