

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-15096 of 2015

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Date of decision:11.5.2015

Sandeep Kumar

...Petitioner

v.

State of Haryana and another

...Respondents

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Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Sunil Chadha, Senior advocate with Mr. Rahul Bhargava,
Advocate for the petitioner.

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Inderjit Singh, J.

The petitioner has filed this second petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.30 dated 12.1.2014 (Annexure-P.1) registered for the offences under Sections 307, 364, 120-B, 148 and 149 IPC and Section 25 of the Arms Act at Police Station City Gurgaon.

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

The first anticipatory bail petition of the present petitioner has been dismissed on merit on 12.3.2014. Since then the petitioner has not joined the investigation and has avoided his arrest. As brought to my notice by the learned counsel for the petitioner, the petitioner has already been

declared proclaimed offender on 30.6.2014.

The learned counsel for the petitioner has mainly argued that the complainant has given an affidavit and has also got recorded his supplementary statement before the Police by stating that he by mistake has given the name of the present petitioner. Rather, giving of the affidavit by the complainant in favour of the petitioner as well as his statement shows that the petitioner instead of joining the investigation is tampering with the evidence. Earlier his name has been mentioned by the complainant specifically and now the complainant is saying by giving supplementary statement after a long period that he had given his name by mistake. As already held in the earlier order, the petitioner was stated to be armed with arms weapon and he fired shot along with Ravi co-accused to kill and kidnap Annu Gujjar alias Ajender in their vehicle, therefore, he is required for custodial interrogation and the weapon of offence is to be recovered from him.

Keeping in view the facts and circumstances of the present case, I do not find any ground for grant of anticipatory bail to the petitioner.

Therefore, finding no merit in the petition, the same is dismissed.

May 11, 2015.

Inderjit Singh)
Judge

hsp