

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

**Crl. Misc. No.M-15881 of 2015
Date of decision : 06.07.2015**

Mahabir

.....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

Present: Mr. A.P.S. Deol, Sr. Advocate with
Mr. H.S. Mavi, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ANITA CHAUDHRY, J(ORAL)

The petitioner is seeking regular bail in FIR No.55 dated 17.02.2014, registered under Section 302, 120-B IPC and 25 of Arms Act, Police Station Pataudi, District Gurgaon.

Heard.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR and the only allegations in the FIR were that Rupesh took the deceased from his house and later, his dead body was found. It was urged that a co-accused has named the petitioner and five other persons were arrested. He states that petitioner was in Bhondsi Jail at the time of incident as he was

convicted in a case under Section 307 IPC. He states that production warrants were taken and the allegations are that petitioner has made a disclosure statement and revealed his role. Counsel for the petitioner contends that the private witnesses have been examined and the list is long and it will take time.

The bail petition was opposed by the State and it is urged that the petitioner had been named by co-accused and one Jeeta was killed in the Court compound when he had been brought to the Court and the allegations are that the petitioner had provided information on which that incident took place and it is a case of gang-war and the role of the petitioner will come out in the statements to be made by the police officials.

The petitioner is not named in the FIR as the father of the deceased (complainant) was not aware of the conspiracy. The petitioner was named by a co-accused and that is how police was able to connect the petitioner with the incident who later made a disclosure statement. The allegations are indeed serious. It is a case of gang-war. The petitioner was in custody when the incident occurred. The entire chain and circumstances against the accused persons would come out in the statement of the police officials. No case for bail is made out. The petition is dismissed.

06.07.2015
sunil

(ANITA CHAUDHRY)
JUDGE