

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

CRM-M-34408-2015

Date of decision: October 15, 2015

Sanjeev Kumar @ Sanju

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. B.S. Dhillon, Advocate for the petitioner.
Mr. Gaurav Dhir, DAG, Haryana.

Rajan Gupta, J.

This is a petition under Section 439 Cr.P.C. seeking regular bail in a case registered against the petitioner under Sections 148, 149, 307, 323, 325, 452, 506, 302 IPC as per supplementary challan dated 28.12.2014, at Police Station Shahzadpur, District Ambala, vide FIR No.102 dated 26.8.2014.

Learned counsel for the petitioner has argued that petitioner has been falsely implicated in the case. He submits that FIR was lodged against 27 persons and final report has been submitted against only 11 persons. He further submits that two incidents had taken place at different time on the same day. However, complainant party had inflicted injuries upon various persons including accused involved in this case. FIR under sections 148, 323, 325, 452, 506, 427 and 307 read with section 149 IPC was also lodged. He submits that co-accused Raj Kumar @ Raju and Mohan Lal @ Janti @ Mohan Singh have already been

released on bail.

Prayer has been opposed by the State counsel on the ground that all accused in furtherance of their common intention murdered Bawa Singh and also caused certain injuries to 6/7 other persons. Thus, petitioner does not deserve concession of bail.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It is evident that on 26.8.2014 complainant Lakhwinder Singh made a complaint alleging that on 24.8.2014, Prem Singh, his son, Sushil son of Tarsem gave blows with handle of hand pump on the head of his father and due to injury, his father was admitted in the Hospital at Ambala. Earlier in the morning, Prem Singh alongwith other assailants Tarsem Lal etc. entered the house of Bawa Ram and committed a mischief and also gave beatings to Bawa Ram, Ranjeet Kaur and Ravi Kumar. Accused Jeet Ram and Tarsem Lal gave blows with *Gandasi* on the head of Bawa Ram. Accused Sonu and Rinku attacked upon Gurdevi, Kuldeep Singh and Rulda Ram by giving blows with *Lathi* and *Dandas*. Mithu son of Mohinder Singh gave *Gandasi* blow on the head of Kuldeep. Mithu son of Jeet Singh and Balkar also attached upon them. Sanju alias Sanjeev Kumar (petitioner herein) and Rajesh Kumar started pelting stones. Other accused also inflicted injuries to the complainant party with their respective weapons. Later on, Bawa Singh succumbed to the injuries sustained in the occurrence.

Keeping in view entire facts and circumstances of the case, I am of the considered view that petitioner is not entitled to concession of

regular bail at this stage. There is an eye-witness account of the whole occurrence. Name of the petitioner figured in the initial version given by the complainant. I am not convinced with the plea that petitioner deserves concession of bail on parity with co-accused Raj Kumar @ Raju and Mohan Lal @ Janti @ Mohan Singh. In my considered view, petitioner is not entitled to concession of regular bail at this stage.

Dismissed.

(RAJAN GUPTA)
JUDGE

October 15, 2015
'Rajpal'