

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

CRM-M-39386 of 2015.

Decided on:-03.12.2015.

Vipin.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

1. Whether reporters of local newspapers may be allowed to see judgment? Yes
2. To be referred to reporters or not? Yes
3. Whether the judgment should be reported in the Digest? Yes

Present:- Mr. Jai Vir Yadav, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. A.G., Haryana.

HARI PAL VERMA, J.

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.51 dated 24.2.2015 under Sections 302 and 450 read with Section 34 IPC as well as Section 25 of the Arms Act,1959 (Sections 386 and 120-B IPC added later on), registered at Police Station Khol, District Rewari.

In the aforesaid FIR authored by Surender Singh, a contract for filling sand on railway line was taken by him along with his cousin Vikas in November, 2014. The project was in progress for the last two months in which the accused-petitioner was assisting them in arranging sand from the

local persons. When the petitioner started visiting complainant along with other friends, the complainant objected it and advised the petitioner not to bring any third person with him. On 23.2.2015 at about 9.30 p.m. when the complainant along with his cousin Vikas and another person, namely, Ankit were present in their house and taking meal, the petitioner along with co-accused Jorawar and Neeraj and one another person reached there. The complainant asked Vikas to pay the charges upon which Vikas questioned such charge as the said demand was appearing to be an extortion. On questioning this demand, accused Jorawar took out a pistol and opened fire which struck over the face of Vikas. The assailant ran away from the spot. Vikas was shifted to the Civil Hospital, Rewari but he succumbed to his injuries in the hospital.

Learned counsel for the petitioner has argued that the petitioner has falsely been implicated in the case. He was initially arrested on 24.2.2015 and the matter has been inquired into by DSP, Kosli on 25.3.2015 where the petitioner was found innocent. Another inquiry was conducted by DSP, Rewari who vide his report dated 4.5.2015 has also held that the petitioner has not committed any offence as on the day of occurrence, the petitioner had gone to Base Hospital and R.R. Hospital, Delhi in order to get his father-in-law medically check up and returned to Mohindergarh at later evening.

Learned counsel for the petitioner has further submitted that the

petitioner is being involved only on the statement of co-accused, whose statement is inadmissible in evidence. He has also submitted that no recovery is to be effected from the petitioner.

Learned State counsel, on the other hand, has argued that the allegations against the petitioner are very serious in nature. The petitioner along with his three companions-accused had given a gun shot injury to deceased Vikas as the deceased questioned the very demand of money and termed the same as an extortion. The manner in which the attack was mounted clearly shows that it was a well-planned conspiracy to execute their ill-design and in furtherance thereof, they reached the spot collectively by carrying weapon. The trial is at very crucial stage. In case the petitioner is extended the concession of bail, he may put unnecessary pressure upon the witnesses and may hamper with the trial.

I have heard learned counsel for the parties.

The allegations against the petitioner are serious in nature. Perusal of the record reveals that deceased Vikas had died because of gun shot injury and the petitioner has been named by the other co-accused. The plea of the petitioner that no recovery is required to be effected from him or the statement of co-accused is inadmissible in evidence, is required to be looked into during the course of trial. In case the petitioner is extended the benefit of bail, he may hamper the trial as he may influence or pressurise the prosecution witnesses.

In view of the above, I find no ground to grant the concession of bail to the petitioner. As such, the present petition, being devoid of any merit, is dismissed.

Needless to say that the the observations made hereinabove shall have no bearing on the merits of the case and the trial Court shall decide the case on the basis of availability of evidence.

December 03, 2015
Yag Dutt

(HARI PAL VERMA)
JUDGE