

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

CRM No.M-40347 of 2015 (O&M)

Date of decision: 30.11.2015

Balwan Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Ashwani Gaur, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

By way of petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in case FIR No.886, dated 10.11.2014, registered under Section 302 read with Section 34 of the Indian Penal Code (for the 'the IPC') at Police Station Model Town, Panipat.

The learned counsel refers to Annexure P-2, statement of eye-witness namely Vikas @ Jonti made under Section 161 Cr.P.C., wherein the petitioner was named in the FIR. However, no incriminating evidence was collected from the petitioner during the investigation. The petitioner was kept in column No.2. The petitioner was summoned under Section 319 Cr.P.C. on the statement made by PW-5 Vikas, whereas there are material contradictions and improvements.

From the perusal of the record, it emerges that the petitioner

is named in the FIR and there are specific allegations qua injury against the petitioner on the person of the deceased as well as PW-5, Vikas. The impact of the statement made by PW-5, Vikas shall be assessed by the trial Court at an appropriate stage.

Keeping in view specific allegations and injuries on the person of the deceased, no case for bail is made out.

Dismissed.

Nothing expressed hereinabove would be taken to be an opinion on merits of the case.

30.11.2015

ashok

(JITENDRA CHAUHAN)
JUDGE