

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

CRM-M No.41942 of 2015

Date of Decision:-18.12.2015

Harminder Singh @ Harry.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Nand Lal Sammi, Advocate for the Petitioner.

Mr. R.K. Doon, Assistant Advocate General, Haryana
assisted by .

JASWANT SINGH, J.(ORAL)

Accused-petitioner Harminder Singh @ Harry has preferred this third petition under Section 439 Cr.PC for grant of regular bail in case FIR No.240 dated 8.7.2013 for offences punishable under Sections 302, 364, 201, 212, 34 and 120-B of Indian Penal Code registered with Police Station Mahesh Nagar, Ambala, District Ambala.

On previous occasions, the bail application was declined on merits vide detailed order dated 20.08.2014 and thereafter the second bail application was withdrawn recently on 12.10.2015. The present third petition has been preferred in less than two months i.e. on 18.12.2015 without any substantial change in circumstances.

As per the investigating agency, the deceased-Gurpal was kidnapped by 11 accused including the present petitioner/accused and his body was chopped off in pieces and thereafter thrown in a Canal. The motive of the crime is a revenge as deceased-Gurpal was acquitted from the

charges of murder of Joginder Singh who is none else than the father of the present petitioner.

It is contended that petitioner is not named in the FIR and is nominated as an accused on the basis of disclosure statement suffered by co-accused Randeep @ Rana, as a conspirator and the trial of the case is likely to take sometime and the petitioner is already in custody for the last 02 years and two months.

The bail is opposed by the State on the ground that motive is directly attributed and the petitioner had conducted a *recee* of the area before the kidnapping and murder of Gurpal Singh. The complainant party has also been threatened at the instance of the accused persons and as a result on 18.11.2015 FIR No.358 stands registered in that regard.

Considering the nature of offence, no ground for grant of regular bail is made out, particularly, when the previous application was dismissed on merits and the last one was withdrawn. Mere custody period and the delay in conclusion of trial is not sufficient enough to extend the benefit of regular bail in case of murder. Moreso, when the complainant party is being threatened at the behest of the accused party in the background of hostile enmity.

Resultantly, finding no merit in the present petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

December 18, 2015

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