

In the High Court of Punjab and Haryana at Chandigarh

PARAMJIT KAUR SAINI
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CRM-M-44233 of 2014

Date of Decision:23.1.2015

Sanjay

---Petitioner

versus

State of Haryana

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Pt. Hari Om Sharma, Advocate
for the petitioner

Mr. Rajesh Gaur, Addl. A.G. Haryana
for the respondent-State

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

REKHA MITTAL, J.

The petitioner prays for grant of regular bail in FIR No. 383 dated 31.07.2014 registered at Police Station, Camp Palwal, District Palwal for offence punishable under Sections 148, 149, 323, 302 of the Indian Penal Code.

Counsel for the petitioner contends that no specific role/injury has been attributed to the petitioner in view of FIR got registered by Radhey Sham, paternal uncle of deceased Raju. The complainant has involved large number of persons in the crime who were allegedly present in connection with display of music on DJ in one of the corners of Amedkar Park. As per allegations, the fight took place all of a sudden when one of the sons of the complainant raised an issue to reduce volume of music meaning thereby that Raju was not caused injuries with a pre

mediated mind nor there was any previous enmity between the parties to constitute motive for the crime. The petitioner has already been remanded to judicial custody and, therefore, no longer required for the purpose of investigation.

Counsel for the State has seriously opposed prayer for bail with the submissions that assailants attacked the victim with *lathis*, *dandas* and knife. The present petitioner is the one who also caused injuries to deceased Raju, as per version of Radhey Sham. One of the injured in the case namely Ram Kishore made statement under Section 161 Cr.P.C. wherein in has been specifically averred that the present petitioner along with others caught hold of deceased Raju when the main culprit caused injuries to the deceased with a knife.

I have heard counsel for the parties and perused the records.

The petitioner has been attributed overt act in the occurrence in which deceased Raju sustained injuries and eventually succumbed to those injuries. The brother of the deceased got recorded his statement and stated that the deceased was caught hold by 04 persons including the present petitioner when fatal blows were given to him by the non-applicant with a knife. Keeping in view gravity of allegations against the petitioner, I do not think it to be a fit case wherein the petitioner deserves to be enlarged on bail at this stage.

Dismissed.

(REKHA MITTAL)
JUDGE

23.1.2015
PARAMJIT