

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

**CRM-M-9066-2015 (O&M)
Date of decision : 14.05.2015**

Anil **Petitioner**
versus
State of Haryana ... **Respondent**

CORAM:- HON'BLE MS. JUSTICE ANITA CHAUDHRY

Present: Mr. Gaurav Mohunta, Advocate
for the petitioner.

Mr. S.S. Pannu, DAG, Haryana.

ANITA CHAUDHRY, J.

CRM-M-15508-2015

For the reasons set out in the application, same is allowed and accompanying document Annexure P-4 is allowed to be taken on record.

CRM-M-9066-2015

The petitioner is seeking anticipatory bail in FIR No.86 dated 27.03.2013, registered under Sections 148, 149, 436, 449, 307, 302, 303, 120-B IPC and Section 25 of Arms Act at Police Station Baroda Gohana, District Sonapat.

Few facts first; An incident occurred on 27.03.2013 at 2:00 A.M. when Baljeet and Kuldeep along with three other persons entered the house of the complainant. Baljeet and Kuldeep started firing which hit the complainant on his right shoulder and the other hit the complainant's brother. The persons who were accompanying Baljeet and Kuldeep poured kerosene oil

and lit fire and complainant's brother Baru and Ram Diya received severe burn injuries. Giving the background, the complainant had mentioned in the FIR that in the year 2007, Baljeet and Kuldeep had murdered the complainant's father and both of them had been sentenced to life imprisonment and they had come out of the jail and did not report back. Kuldeep was also out on bail.

The counsel for the petitioner contends that the petitioner was not named in the FIR and after 6 days of the incident, his name has been brought in and the main accused are Baljeet and Kuldeep. Learned counsel urges that the charge had been framed on 03.02.2014 and prosecution has been unable to examine its witnesses. He also contends that initially five persons were named in the FIR but then the sixth person has been named and the petitioner is in custody since 01.04.2013 and bail be allowed.

The State counsel opposes the bail application and urges that this is a second murder incident and the attack was made so as to pressurize the complainant party and Baljeet and Kuldeep had murdered the father of the complainant regarding which they had been convicted.

On the last hearing, counsel for the petitioner was asked to place on record the interim orders passed by the trial Court. Same have been produced today. A perusal thereof shows that charge had been framed in August, 2013 but the accused have not allowed the case to proceed. They have been moving

applications on one pretext or the other, either for transfer of jail or for reinvestigation. The witnesses had appeared for their statements in the Court but the defence counsel chose not to cross-examine them and the proceedings have been stalled.

Considering the allegations, no case for bail is made out.

The petition is dismissed.

(ANITA CHAUDHRY)
JUDGE

14.05.2015
Sunil