

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

Date of decision:11/05/2016.

Jag Jeevan

.....Petitioner

VS

State of Haryana

.....Respondent

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Gurmohan Singh Bedi,Advocate for the petitioner.

Mr.Gaurav Dhir,DAG Haryana assisted by
SI Ved Pal

Kr.Yashwant Singh Rathore,Advocate for the complainant

Jaswant Singh,J(Oral)

Prayer is for grant of anticipatory bail in case FIR No.05 dated 12.1.2016 under Sections 302,34,120-B IPC and 25/54/59 of the Arms Act, PS Pillukhera.

As per eye witness account of Balkishan, on 12.1.2016 at around 11 am his brother Rakesh was waylaid and shot at by non-applicant co-accused Vijay while co-accused Satbir and Ramniwas grapled and held him. Petitioner accused is uncle of aforesaid accused Vijay and brother of rest of the two accused. His name has been roped in on account of an utterance on 10.1.2016 at the time of declaration of Rakesh,since deceased, as Sarpanch by defeating the co-accused Satbir

that his (Rakesh's) life would not be spared.

It is contended that the petitioner is a JBT Teacher and except the bald statement of the complainant there is no evidence on record indicating any role of the petitioner in the alleged conspiracy to murder Rakesh.

Learned State counsel, upon instructions, states that not only the petitioner is specifically named in the FIR itself regarding his initial utterance that Rakesh (since murdered) would not be spared as the family was unhappy over the election of Rakesh as Sarpanch by defeating Satbir-brother of the present petitioner-accused, role of the petitioner as active conspirator has surfaced in the statement of arrested co-accused Vijay, Satbir and Ram Niwas, and thus no ground for anticipatory bail is made out.

Keeping in view the attributed role and heinous nature of the offence, no case for anticipatory bail is made out.

Dismissed.

11.05.2016
joshi

(Jaswant Singh)
Judge