

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

CRM-M-14818 of 2016

Date of decision: May 31, 2016

Mahender Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Saurabh Sharma, Advocate for the petitioner.

Ms. Tanushree, Deputy Advocate General, Haryana.

Rajan Gupta, J.(oral)

This is a petition under Section 439 Cr.P.C. seeking regular bail in a case registered against the petitioner under Section 302 read with Section 34 IPC at Police Station Jagadhri, District Yamuna Nagar, vide FIR No.543 dated 17.08.2014.

Learned counsel for the petitioner submits that petitioner has been incarcerated since 18.08.2014. He submits that deceased had not died due to injuries allegedly inflicted by the petitioner. He, thus, deserves to be enlarged on bail as no purpose would be served by keeping him in custody.

Prayer has been opposed by the State counsel. According to her, petitioner and his son Rajesh Kumar inflicted injuries to Balwant, who succumbed to the injuries. If petitioner is granted bail, he may influence the witnesses.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR was lodged on the basis of statement made by Surender Kumar son of Phool Chand, who alleged that on 17.8.2014 at about 7.30 P.M. his nephew Balwant had gone to Gulab Nagar to get medicine for his mother. He had also gone there on foot to take milk. He saw his nephew Balwant and his friend namely, Balwant son of Laxmi Chand coming towards Gulab Nagar. When they reached in front of Juice shop of Mahender Singh (petitioner herein), Rajesh son of Mahender came from behind with a *Sua* (Ice breaker) and inflicted several blows to his nephew Balwant and ran away from there. When his nephew fell down, Mahender Singh also gave him fist and leg blows and he also fled from the spot. Balwant was taken to General Hospital where he succumbed to the injuries.

I am of the considered view that in view of nature of allegations, the petitioner is not entitled to concession of bail. It reveals that petitioner also inflicted injuries to the deceased when he was lying down after having suffered injuries at the hands of his son. At this stage, if he is granted bail, he may influence the witnesses. Besides, proceedings before the trial court are stayed in view of CrI. Revision No.179 of 2016, preferred by the petitioner. The petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

May 31, 2016
'Rajpal'