

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 15356 of 2016

Date of decision: 16.5.2016

Amit Chauhan

Petitioner

vs.

State of Haryana

Respondent

Present: Mr. Sanjay Vashisth, Advocate.
Mr. CS Bakshi, Addl.A.G. Haryana

M.M.S.BEDI,J.

The petitioner seeks the concession of pre-arrest bail in a case registered at the instance of Sanjay alleging that his nephew Mohit was murdered by Sandeep and Kaushal, co-accused of the petitioner, by firing. The vehicle used in the crime was allegedly driven by Suraj. Mohit @ Dandi also connived with co-accused of the petitioner. So far as the petitioner is concerned, the allegation against him is that he had conspired with his other co-accused.

Counsel for the petitioner has argued that at best the prosecution could have said that the petitioner has conspired with his co-accused, regarding which there is no evidence.

Counsel for the State, on the instructions of SI Parduman Singh, has submitted that the petitioner has been involved in the case on the basis of disclosure statement of his co-accused Suraj, who had actively participated in the occurrence.

Counsel for the petitioner has argued that it is Sachin, who has been nominated by main accused Sandeep and Kaushal. He further submits that the name of the petitioner has been falsely roped in despite

the fact that co-accused of the petitioner Kaushal and Sandeep have attributed 'Reki' to co-accused Sachin.

I have heard counsel for the parties and gone through the record. The culpability of the petitioner cannot be appreciated on the basis of the evidence collected by the prosecution agency at this stage, by determining the credibility of the witnesses or the effect of the alleged contradictions. It is sufficient to observe that the material has been gathered during the course of investigation regarding the connection of the petitioner in indulging 'Reki', after having arrested his co-accused. Whether the said role has been performed by Sachin co-accused of the petitioner or the petitioner, cannot be determined at this stage. No extraordinary exceptional circumstances exist to grant the concession of pre-arrest bail to the petitioner.

Dismissed, without prejudice to the right of the petitioner to seek the concession of regular bail, on the grounds raised in the present petition.

May 16 ,2016
TSM

(M.M.S.BEDI)
JUDGE