

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

CRM-M-18952 of 2016

Date of Decision: July 12, 2016

Lalit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Rajat Gautam, Advocate for
Mr. Partap Singh, Advocate
for the petitioner.

Mr. Deepak Sabherwal, Addl. A.G. Haryana.

FATEH DEEP SINGH, J.

The allegations in this regular bail application under Section 439 Cr.P.C. are that the deceased Rajesh Kumar, aged 23 years working in the Indian Army on account of some quarrel 03 years prior to the present occurrence developed enmity with the present petitioner and his brother Rajesh Kumar/non-applicant and at that time the deceased was given threats by the accused that they would not spare him if next time he visits the village. It was on 15.12.2014 when the deceased has come on leave, around 5 p.m. when the complainant-father Ved Singh along with deceased and others were going in the *Kumharon Wali Gali*, the petitioner-accused Lalit along with Umesh and Naresh came on a motorcycle and after alighting from the same Lalit and Umesh are alleged to have fired three

shots on the deceased hitting on his stomach, hip and chest, who died instantaneously. The contentions of the learned counsel for the petitioner that the petitioner is in custody for more than 02 years and 04 months and that it was on account of political rivalry earlier cases were got lodged at the behest of the complainant side in which the petitioner has been acquitted and has sought to highlight the stand of the prosecution witnesses made in their testimonies before the trial Court to hammer home the point that there has been continues shifting of the allegations by the complainant.

The learned State counsel has sought to oppose the bail on the grounds that trial is underway and if allowed bail the accused who is dangerous person might interfere and threaten the witnesses and scuttle the due trial.

Appreciating these submissions. In the stand of the complainant motive is by way of allegations of threats earlier meted out by the accused to the deceased and it was subsequent thereto after long time the petitioner is alleged to have shot the deceased dead. Petitioner is very much named in the FIR and has been attributed a definite role in the commission of offence. The manner of occurrence, numbers of fire shots and seats of injuries are itself suggestive of the heinousness of the crime. The apprehension of the State that if allowed bail accused would influence the witnesses is not unfounded. Thus, finding no merit, the present petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

July 12, 2016
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