

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-2114 of 2016 (O&M)
Date of Decision: 28.3.2016

Sandeep

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Tejinder Pal Singh, Advocate for the petitioner.

Mr. Deepak K. Grewal, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

Present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.253 dated 29.11.2014 under sections 302, 34 I.P.C registered at Police Station, Israna, District Panipat.

F.I.R came to be registered on the statement of Om Parkash. Occurrence is stated to be of 29.11.2014 at about 6 P.M when the complainant along with one Ranbir son of Kanshi Ram as also his brother Dalbir, were proceeding home after finishing the work in the fields. It was stated that Dalbir was walking at a certain distance ahead of the complainant and Ranbir. At about 7.20 P.M Vijay son of Ishwar, Sandeep son of Ishwar (present petitioner), Ishwar, Ashu, Karambir and two other assailants, who were armed with *Gandasis* and swords attacked Dalbir. Vijay is stated to have raised a *Lalkara* that if anybody tries to rescue Dalbir, then, he would also be done to death. All the accused including the present petitioner are stated to have run away from the spot and after having caused injuries to Dalbir. Dalbir is stated to have succumbed to the injuries at the spot. Motive attributed by the complainant was that about six months

prior to the date of occurrence a quarrel had taken place between Dalbir and Vijay son of Ishwar and on account of which a grudge had been nursed.

Counsel for the petitioner would argue that investigation in the case having been completed, challan has been presented and even charges have been framed. It is further submitted that statements of the complainant Om Parkash, PW-1 and the alleged eye witness namely Ranbir, PW-2 have been recorded and there are material contradictions in the two statements. That apart, it is contended that Ranbir PW-2 while deposing before the court has improved his version on all material points. It is further submitted that the petitioner has faced incarceration since 1.12.2014 and under such circumstances he is entitled to the benefit of bail.

Having heard counsel for the parties, this Court is of the considered view that the concession of bail cannot be granted to the petitioner, at this stage. This view is being taken in view of the gravity of the offence and the brutal manner in which the offence was committed. Deceased Dalbir is stated to have suffered multiple sharp edged incised wounds on his head, face, chin, neck, chest and other parts of the body.

The matter is stated to be fixed before the Trial Court for leading prosecution evidence. This Court finds considerable weight in the submission made by learned State counsel that the petitioner, if, released on bail, there is every possibility of the prosecution witnesses being intimidated and as such, thwarting the course of a free and fair trial.

Prayer for grant of regular bail is, as such, declined, at this stage.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

28.3.2016
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