

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

(202)

CRM-M-21253-2015

Decided on: January 21, 2016.

Mahavir and others

.... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. V.K. Sheoran, Advocate, for the petitioners.

Mr. Gurdas Singh Salwara, DAG, Haryana.

Mr. G.S. Sawhney, Advocate, for respondent No.2.

M.M.S. BEDI, J (ORAL)

Five petitioners, through instant petition, seek concession of pre-arrest bail apprehending arrest pursuant to the order passed under Section 319 Cr.P.C by the Court summoning them as an additional accused.

The FIR in the present case was registered at the instance of Sukhbir alleging that on 26.11.2014 his son Sanjay was attacked by the petitioners along with two other accused Sandeep and Monu with axes, 'gandasi' and 'dao' while on his return from the fields on motorcycle. Petitioner No.1 was attributed a 'gandasi' blow. Petitioner No.2 was attributed a 'dao' blow on the chest of the deceased. Petitioner No.3 was attributed an injury with the axe on the knee of the deceased. Petitioner No.4 was attributed a 'gandasi' blow on the ribs of the deceased. Petitioner No.5 Pawan was attributed a 'gandasi' blow on the left side of neck of the deceased. The motive which was attributed in the present case was that the

deceased had allegedly eloped with the wife of Sandeep. Out of seven persons, two persons were challaned by the police declaring the present petitioners innocent. On the basis of statement made by complainant Sukhbir, the summoning order has been passed.

Application for bail has been opposed by the learned counsel for the complainant as well as learned State counsel.

I have considered the facts and circumstances of the case.

No doubt, a dual version regarding the involvement of the petitioners has cropped up with the report of the investigating agency declaring the petitioners innocent, yet I do not deem it appropriate in the present case to blindly, at this stage, accept the findings of the investigating agency because so far as petitioner No.5 Pawan is concerned, he is attributed specifically a 'gandasi' blow on the neck of the deceased which as per the medical record has resulted in the cutting of trachea which is main vessel of the neck resulting in death. It does not appear to be a case to grant concession of pre-arrest bail to petitioner No.5 by merely playing in the hands of the investigating agency.

Petition is partly allowed. It is ordered that petitioners No. 1 to 4 would remain on bail against the bail bonds furnished by them pursuant to the interim order passed by this Court on 03.07.2015. So far as petitioner No.5 Pawan is concerned, his petition for pre-arrest bail is dismissed. Interim relief granted to him is hereby vacated.

(M.M.S. BEDI)
JUDGE

January 21, 2016
harsha