

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

**CRM No.M-27829 of 2016 (O&M)
Date of Decision: August 12, 2016**

Balwan @ Kalu and another

...Petitioners

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.S.K.Daaria, Advocate
for the petitioners.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.236 dated 12.07.2013 under Sections 307, 392, 397 216 read with Section 34 IPC and Section 25 of the Arms Act, registered at Police Station Sampla, District Rohtak.

I have heard learned counsel for the petitioners and have gone through the record.

From the record, I find that the FIR was registered on the statement of Satish @ Kala, who stated that on 11.07.2013 at about 10.00 p.m., he came to his house in his Maruti car and left standing his car in the street. In the meanwhile, Balwan @ Kalu along with one another boy, came there. As soon as they came, Balwan @ Kalu asked that boy to shoot upon him (complainant) with pistol and the boy fired directly with the pistol having in his hands, which struck in the back of the complainant. The complainant cried '*bachao bachao*' and on hearing noise, his wife Rekha

and one Suresh came at the spot. After that, Balwan and his colleagues fled

away from the spot along with car of the complainant.

As per the order dated 02.08.2016 passed by learned Sessions Judge, Rohtak, three PWs were served for that day. Witnesses namely Rekha and Suresh came present in the Court and on being asked, they apprised the Court that they have been threatened by the accused and even the accused Balwan along with 5-6 companions was present in this village last evening and extended threat to them if they would depose in the Court against him. To this effect, they have also filed an application for recording their evidence. In view of this situation, learned Court below dismissed the application for personal exemption of the present petitioners namely Balwan and Sunil and non-bailable warrants were issued and bail order was cancelled.

From these facts, I also find that present petitioners are trying to tamper with the evidence and threatening the witnesses. Furthermore, in view of the affidavits of the witnesses, personal exemptions of Balwan and Sunil have been correctly denied and their bail order has been correctly cancelled.

Keeping in view the facts and circumstances of the present case and in view of the above discussion, I do not find it a fit case where petitioners are entitled to benefit of anticipatory bail.

Therefore, finding no merit in the present petition, the same is dismissed.

August 12, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No