

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-29713 of 2015 (O&M)
Date of Decision: 07.01.2016

Vijay

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. R.S. Panghal, Advocate for the petitioner.

Mr. Anmol Malik, A.A.G., Haryana.

Mr. Deepak Basatia, Advocate for
Mr. N.S. Shekhawat, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.145 dated 3.8.2013 under sections 148, 149, 323, 506, 325, 427, 302, 120-B I.P.C, registered at Police Station, Siwani, District Bhiwani.

Learned counsel for the parties have been heard.

FIR in question was registered on the statement of Suresh, who is stated to be the brother of the deceased Mahipal. Version of the complainant is that on 03.08.2013, he along with his relatives as also brother Mahipal were proceeding in a vehicle to see his cousin sister at village Dhani and such vehicle was being driven by Mahipal. It is further alleged that after some time, his brother Mahipal noticed that they were being chased by two Bolero Campers. Complainant Suresh further stated that at one point of time Mahipal is stated to have recognized the occupants of both the vehicles and said that they are old enemies and they have come to harm them. Accordingly, Mahipal is stated to have turned his vehicle

towards village Ghanghala but Bolero vehicles continued to chase them and ultimately coming to a dead end they were forced to stop. Allegation is that out of these two vehicles, number of persons had alighted including the present petitioner.

Allegation in so far as the present petitioner is concerned is that he was present at the spot along with the other co-accused. There are specific allegations against co-accused Sher Singh and Anoop of having given rod blows on the head of deceased Mahipal.

It has gone un rebutted that during the course of investigation and upon submission of the final report under Section 173 Cr.P.C, present petitioner has been implicated only with the aid of Section 120-B I.P.C. The petitioner has been in custody since 21.3.2014. The challan having been submitted, charges were framed on 14.6.2014. Learned State counsel would further apprise the Court that out of 31 prosecution witnesses having been cited, six have been examined till date. The Trial, as such, would take some time to conclude.

It stands conceded that co-accused Sher Singh has already been granted the benefit of regular bail by this Court in terms of order dated 16.5.2014 passed in CRM No. M-10297 of 2014.

At this stage, the contention of State counsel would require notice, wherein it has been submitted that the present petitioner is a habitual offender and as many as 24 criminal proceedings stand initiated against him. The details of the cases against the petitioner are reflected in the document at Annexure R-1 along with an affidavit of the Dy.S.P., Siwani dated 2.12.2015 that has been duly filed and placed on record. Be that as it may, the document at Annexure R-1 would in itself show that the petitioner

already stands acquitted in as many as 13 criminal proceeding. False implication of the petitioner, as such, cannot be ruled out. In certain matters the trial is still underway.

In an overall view of the matter and keeping in view the length of incarceration already suffered by the petitioner, he is held entitled to the benefit of regular bail. Accordingly, present petition is allowed.

Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Bhiwani.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

07.01.2016

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