

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

CRM No.M-34839 of 2016 (O&M)

Date of decision: 11.11.2016

Deepak

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. M.S. Khaira, Sr. Advocate with
Mr. R.S. Khaira, Advocate for the petitioner(s).

Mr. Saurabh Mohunta, DAG, Haryana.

None for respondent No.2.

Jitendra Chauhan, J. (Oral)

This petition under Section 438 of the Code of Criminal Procedure has been filed for grant of an anticipatory bail in FIR No.881 dated 06.12.2015, registered under Sections 302, 307, 285 read with Section 34 of IPC and Section 25 of Arms Act, at Police Station City Ballabgarh, District Faridabad.

It is contended that the petitioner has been falsely implicated in the instant case. Even as per the allegations, no overt act has been attributed to the petitioner. After the alleged scuffle had taken place, all other co-accused managed to escape after firing

gunshots but the petitioner being not assailant remained on the spot and was apprehended by the complainant party.

On the other hand, the learned State counsel opposes the bail application and states that the petitioner has actively participated in the crime. The FIR in the present case was registered on 06.12.2015 and the petitioner has evaded his arrest and the non bailable warrants have been issued against him as well as against three other co-accused. Out of total 06 accused, only 02 accused, namely Kuldeep and Mukesh have been arrested so far, against whom the challan stands presented and now the case is fixed for prosecution evidence. Moreover, out of total 28 PWs, only 04 PWs have been examined so far. The complainant has not been examined.

Heard.

Indisputably, the petitioner was apprehended on the spot. While taking him to the police station, he jumped out of the car, where co-accused, namely, Kuldeep, Jaiveer, Subhash Sarpanch and others fled away in Bolero Car. The petitioner instead of surrendering to the process of the Court has successfully evaded his arrest and has opted to file anticipatory bail before this Court. Out of total 06 accused, 04 accused including the petitioner have been evading their arrest. The complainant is yet to be examined, therefore, at this stage, in case the present petition is allowed, the possibility of hampering the prosecution witnesses cannot be ruled

out. The Bolero Car used in the crime is yet to be recovered. Keeping in view the serious allegations and conduct of the petitioner, no case for anticipatory bail is made out.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

11.11.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No