

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

CRM No.M-36283 of 2016

Date of decision: 19.10.2016

Sombir @ Somvir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. P.S. Hundal, Sr. Advocate with
Mr. Dinesh Trehan, Advocate for the petitioner(s).

Mr. Neeraj Poswal, AAG, Haryana
assisted by ASI Krishan Kumar.

Mr. Sudhir Makkar, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

This petition under Section 439 of the Code of Criminal Procedure is for grant of regular bail in FIR No.68 dated 17.02.2016, registered under Sections 302, 323, 324 and 506 read with Section 34 of IPC, at Police Station Sadar Hansi, District Hisar.

It is contended that there is no direct evidence against the petitioner to connect him with the present FIR. In fact, the petitioner wanted to rescue the deceased and informed the father of the deceased. The learned counsel cites **Birajit Sinha and others** Vs. **State of Tripura**, 2005 (3) Crimes 15 to contend that pre-trial

detention is merely to help the investigation and not to punish the accused. The petitioner is in custody since 17.02.2016.

On the other hand, the learned State counsel opposes the bail application and states that the petitioner is the main accused who had made repeated telephonic calls to the deceased and took him on his motorcycle to the spot. Mobile phone and blood smeared clothes of the petitioner were also recovered from the petitioner.

Heard.

Considering the fact that the complainant is yet to be examined; the FSL report supports the assertion of state counsel with regard to recovery of blood stained clothes of the petitioner which were recovered on the basis of disclosure statement of the petitioner. Keeping in view the gravity of the offence and accusations against the petitioner, no case for bail is made out. The ratio of case law cited by the learned counsel is distinguishable on facts and will not apply in the present case.

Dismissed.

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

19.10.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

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