

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-42049 of 2015 (O&M)

.....

Date of decision:30.8.2016

Pardeep

...Petitioner

v.

State of Haryana

...Respondent

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Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. R.S. Rai, Senior Advocate with Mr. Vikram Singh,
Advocate for the petitioner.

Mr. Vikramjit Singh, Additional Advocate General, Haryana for
the respondent-State.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C.
for grant of anticipatory bail in case FIR No.43 dated 11.2.2015 registered
for the offences under Sections 302, 148, 149, 120-B and 216 IPC and
Section 25 of the Arms Act at Police Station Sadar Narwana, District Jind.

Notice of motion has been issued in this case.

Mr. Vikramjit Singh, learned Additional Advocate General,
Haryana has put in appearance on behalf of the respondent-State and
contested this petition.

I have heard learned senior counsel for the petitioner and
learned Additional Advocate General, Haryana and have gone through the

record.

The FIR in the present case has been registered on the statement of Rajesh Kumar. As per the allegations, from the i20 car, Satbir alias Jhabbal, Mukesh Pandit, Pahari, Suryavir Pandit and Baljit alias Bachhi came near to them and three boys were riding on the pulsar motorcycle. Surender alias Tuti had asked Rahul to give them water. Thereafter, after talking with them, they all moved for going to their house and then sound of firing came from behind and when he saw by turning behind, then he saw that Satbir alias Jhabbal and Suryavir were continuing firing on Surender alias Tuti and bullet hit Surender alias Tuti and he fell on the ground. Thereafter, the accused persons ran away from the spot with their respective weapons on their car and motorcycle.

In the present case, learned senior counsel for the petitioner argued that the petitioner is not named in the FIR and he has been nominated on the statement of co-accused.

A perusal of the record shows that firstly, the petitioner was declared a proclaimed ofender in this case on 21.1.2016. Further more, he has been nominated on the statement of co-accused. Even the learned Additional Sessions Judge, Jind vide order dated 4.12.2015 has stated that the petitioner has not cooperated in the investigation despite the notice issued to him for his appearance by the Police. The petitioner is required for his custodial interrogation. Otherwise also, keeping in view the nature and gravity of the offences, I do not find it a fit case where the present petitioner is entitled to the benefit of anticipatory bail.

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

August 30, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No