

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

**CRM No. M-43411 of 2015 (O&M)
Date of Decision: 15.03.2016**

Shyam Singh

...Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Bijender Dhankar, Advocate,
for the petitioner.

Mr. Deepak K. Grewal, D.A.G., Haryana.

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

TEJINDER SINGH DHINDSA. J

Petitioner seeks benefit of regular bail pending trial in case FIR No.266 dated 02.05.2015, under Sections 323, 506, 325, 307, 364, 450, 120-B/34 of Indian Penal Code and Sections 25/54/59 of Arms Act, registered at Police Station Sadar Karnal, District Karnal.

Counsel for the parties have been heard.

FIR was registered on the statement of Vipul Mandal. Complainant had stated that he was working as a Mason and had been engaged in the construction work at the house of Rajender Singh in Village Bijna, District Karnal. It is alleged that on 02.05.2015 in the early hours of the morning while complainant was sleeping in the house of Rajender Singh, the present petitioner along with co-accused Gautam armed with country-made pistol and two other

accused, namely, Vishala and Jackie armed with wooden sticks entered the premises and on the threat of the country-made firearm inquired about the whereabouts of Rajender. Upon the complainant expressing his inability, he was beaten up and was even threatened to be eliminated. Thereafter, complainant is stated to have been forcibly taken in a swift car, on the threat of country-made pistol and the vehicle was taken towards Awardhan Canal and thrown into Paschim Yamuna Awardhan Canal. Further allegations are that the accused even fired two-three shots in the water with a clear intention to kill. Complainant stated that he had a narrow escape and saved his life by swimming for a distance of about 1 kms. Complainant asserted that he hid himself throughout the night and about 5/6 o' clock in the morning returned to the village and narrated the entire episode to Rajender whereupon he was taken to Civil Hospital, Gharaunda for medical examination.

Counsel appearing for the petitioner has argued that it is a highly improbable story projected by the complainant. It is submitted if there was any intention to kill, shots could have been fired at the complainant in the house of Rajender itself. It has also been argued that there was a money dispute between Rajender and the present petitioner and it is at the behest of Rajender who in connivance with the complainant has concocted the false story.

Learned State counsel as also counsel appearing for the complainant have vehemently opposed the present petition by stating that the petitioner is a habitual offender and is involved in a number of criminal proceedings. A list of FIRs in which the petitioner is stated

to have been involved has been furnished in Court during the course of hearing. The details of the FIRs are as follows:-

1. FIR No.304 dated 21.04.1998, P.S.Sadar, Karnal U/S 323, 285, 506, 34 of IPC and Section 25 of Arms Act.
2. FIR No.629 dated 10.09.1998 P.S.Sadar, Karnal, U/S 341, 323, 324, 34 of IPC.
3. FIR No. 813 dated 01.12.1998, P.S.Sadar, Karnal U/S 323, 420, 429, 148, 149 of IPC.
4. FIR No.66 dated 30.01.2000, P.S.Sadar, Karnal, U/S 452, 323, 506 of IPC.
5. FIR No.178 dated 21.06.2004, P.S.Sadar, Karnal, U/S 332, 353, 307 of IPC and Section 25 of Arms Act.
6. FIR No.664 dated 05.10.2012, P.S. Sadar, Karnal, U/S 148, 149, 323, 506 of IPC.
7. FIR No.30 dated 10.01.2013, P.S.Sadar, Karnal, U/S 323, 506 of IPC.
8. FIR No.170 dated 15.05.2005, P.S.Gharaunda, Karnal, U/S 148, 149 and 302 of IPC.
9. FIR No.839 dated 18.11.1991, P.S.City Panipat, U/S 392, 506 of IPC.

Even though the petitioner has been in custody since 02.06.2015 yet this Court is of the considered view that benefit of bail cannot be extended to him, at this stage.

Clearly, the petitioner does not possess clean antecedents. The details of the FIRs noticed here-in-above would prima facie indicate that the petitioner is a hard core criminal. I find

considerable merit in the submission made by State counsel as also counsel for the complainant that if benefit of bail is granted to the petitioner he would certainly attempt to threaten and intimidate the witnesses and prevent them from making a truthful deposition before the trial Court.

Material witnesses are yet to be examined.

In view of the above, the prayer of the petitioner seeking regular bail is declined, at this stage.

Petition dismissed.

15.03.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**