

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

CRM-M-44101 of 2015

Date of Decision: November 23, 2016

Sandeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Akshay Bhan, Senior Advocate
with Mr. HPS Sandhu, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. Tapan Yadav, Advocate
for the complainant.

FATEH DEEP SINGH, J.

The allegations against the petitioner in this regular bail application under Section 439 Cr.P.C are that Parveen Kumar (now deceased), a Photographer by profession was taken away by the accused Rakesh and his cousin brother present petitioner and, thereafter, assaulted him which was witnessed by Manoj Kumar and Mahavir and before they intervened the accused are alleged to have taken away the deceased in their car and, thereafter, the dead body of the deceased was found in a water tank in the fields.

The contentions of the learned counsel for the petitioner that the petitioner is in custody since long time and that the trial is not likely to be concluded in near future and that there is no direct evidence to link the

petitioner with the commission of crime and there is inordinate delay in lodging of FIR and there is total absence of any eye-witness account to this occurrence are opposed by the learned State counsel on the averments that trial is underway and the charges of murder have already been framed and that the allegations of last seen together and medical evidence corroborates the ocular version.

Without feeling necessity to advert anything on the merits, the prima facie allegations, whereby, the petitioner was seen along with co-accused forcibly abducting the deceased and subsequent tracing out the dead body of the deceased and the evidence of last seen together being supported by other witnesses are matters which clearly point out finger of accusation against the petitioner and the apprehension of the State that if allowed bail the petitioner will influence the witnesses certainly is not unfounded and in view of the seriousness of the allegations no ground to grant bail to the petitioner is made out.

Dismissed.

(FATEH DEEP SINGH)
JUDGE

November 23, 2016

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