

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

(207)

CRM-M-5901-2016

Decided on: March 04, 2016.

Jitender Singh @ Gurbaj @ Bajju

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. T.S. Sangha, Sr. Advocate, with
Mr. H.S. Sangha, Advocate, for the petitioner.

Mr. Gurdas Singh Salwara, DAG, Haryana.

M.M.S. BEDI, J (ORAL)

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Jasbir Singh alleging that on 11.11.2015 when the complainant along with his father Karam Singh was going on motorcycle, they were waylaid by occupants of a Bulero car which was driven by Bachhittar Singh @ Polha, who along with eight other accused alighted from the vehicle armed with 'lathis' and 'sotis' and started beating the complainant's father and the complainant on the pretext why he had contested elections for Sarpanch. The complainant received injuries whereas his father died on account of the injuries received by him.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR. He has been involved in the case on the basis of confessional statement of Bachhittar Singh @ Polha made before Avtar Singh.

On the instructions of ASI Bhagat Singh, learned State counsel informs that the petitioner appears in CCTV footage to be present in the car along with his other co-accused.

Learned counsel for the petitioner submits that the CCTV footage of accent car is at a different location and that similarly circumstanced occupant of the car namely Harvinder Singh has been found innocent. It has also been argued by learned counsel for the petitioner that the petitioner has been falsely implicated on the basis of extra judicial confession of Bachhittar Singh @ Polha as petitioner happens to be close associate of the complainant, with an oblique motive to falsify the story of the prosecution as Bachhittar Singh @ Polha is a criminal.

I have heard learned counsel for the petitioner and considered his contentions.

Challan has already been presented against co-accused of the petitioner Bachhittar Singh @ Polha. On the basis of investigation conducted till date, the prosecution agency has found prima facie material to indict him in the present case. The plea of defence raised by the petitioner regarding false implication with an oblique motive cannot be considered and appreciated at this stage where challan has not yet been presented.

No ground is made out to grant concession of pre-arrest bail.

Petition is dismissed without prejudice to the right of the petitioner to seek concession of regular bail in accordance with law. Merely because, similarly circumstanced co-occupant has not been arrayed as accused, cannot be considered as the circumstance to give a clean chit to the petitioner at this stage.

(M.M.S. BEDI)
JUDGE

March 04, 2016
harsha