

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

CRM No.M-6729 of 2016

Date of decision: 08.07.2016

Sandeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. H. S. Sangha, Senior Advocate with
Mr. Narinder Singh, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Jitendra Chauhan, J. (Oral)

This petition under Section 439 of the Code of Criminal Procedure is for grant of bail in case FIR No.633 dated 29.11.2014, registered under Sections 302, 324 and 216 read with Section 34 IPC and Section 25 of Arms Act, at Police Station Sadar Palwal, District Palwal.

Learned counsel for the petitioner contends that the petitioner is in custody since 26.12.2014. He further contends that there was only one injury found on the abdomen of the deceased and it cannot be said that as to who inflicted the said injury upon the deceased as Sandeep and Akash both attacked the deceased.

On the other hand, learned State counsel contends that out of 17 witnesses, 10 have been examined and that there are specific allegations against the petitioner. Lastly, it is submitted that the cause of death as shown in the postmortem report is due to stab injuries attributable to the petitioner.

With regard to grant of bail, Hon'ble the Supreme Court, in the case of “***Prahlad Singh Bhati v. NCT, Delhi, 2001 (2)RCR (Crl.) 377***” has held as under:

“The jurisdiction to grant bail has to be exercised on the basis of well settled principles having regard to the circumstances of each case and not in an arbitrary manner. While granting the bail, the Court has to keep in mind the nature of accusations and evidence in support thereof, and the severity of the punishment which conviction will entail, the character, behaviour, means and standing of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, responsible apprehension of the witnesses being tampered with, the larger interests of the public or State and similar other considerations.”

In the present case, the allegation against the petitioner is that he was wielding a knife with which he caused injuries on the chest, private part and left leg of deceased Yogesh. The post mortem report shows that Yogesh's death was caused due to two injuries inflicted by a sharp edged weapon. Even though it cannot be ascertained at this stage whether the fatal injury was caused by the

petitioner or his co-accused Akash, yet there are serious allegations against him.

Keeping in view the nature of accusations and nature of evidence in support thereof, in the opinion of this Court, it will not be in the larger interest of society to enlarge the petitioner on bail.

Hence, this petition stands dismissed.

However, trial Court is directed to conclude the trial expeditiously.

July 08, 2016
ps-I

(JITENDRA CHAUHAN)
JUDGE