

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.3770 of 2017
and
Criminal Misc. No.M-1318 of 2017

.....

Date of decision:7.2.2017

Balinder Kumar

...Petitioner

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. S.S. Nara, Advocate for the petitioner.

Mr. B.S. Virk, Deputy Advocate General, Haryana
for the respondent-State.

Mr. J.S. Chahal, Advocate for the complainant.

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Inderjit Singh, J.

Cr. Misc. No.3770 of 2017:

For the reasons mentioned in the criminal miscellaneous application, the prayer for addition of Sections 386, 365 and 212 IPC, which have been added in the FIR during the course of the investigation, in the head note and prayer clause of the main petition is allowed.

The criminal miscellaneous application stands disposed of.

Cr. Misc. No.M-1318 of 2017:

The petitioner has filed this petition under Section 438 Cr.P.C.

for grant of anticipatory bail in case FIR No.323 dated 25.12.2016 registered for the offences under Sections 306 read with Section 34 IPC and (Sections 386, 365 and 212 IPC, which have been added later on) at Police Station Naraingarh, District Ambala.

Notice of motion has been issued in this case.

Mr. B.S. Virk, learned Deputy Advocate General, Haryana has put in appearance on behalf of for the respondent-State and Mr. J.S. Chahal, learned Advocate has appeared for the complainant and contested this petition.

I have heard learned counsel for the parties and learned Deputy Advocate General, Haryana appearing for the respondent-State and have gone through the record.

From the record, I find that as per the FIR, the present petitioner is named in the FIR, which was recorded on the statement of Baljeet Singh (since deceased), who stated that he had taken money from many persons and boys and given ₹93,15,000/- to Ram Nath, who told him that he has links with the high ups and he can get his boys recruited in government jobs. When he asked for the money, he gave false assurance only. On 5.12.2016 to get money, in Rest House, Naraingarh, the complainant arranged the meeting of Balinder, Ajeet, Shivam with Ram Nath. Thereafter, on 6.12.2016 Balinder, Ajeet and Shivam took the complainant to Budiya forcibly in their car and got the stamp paper of ₹10 in his name and also got his signatures and thumb impression on the blank stamp paper and asked him to transfer his land in their names which is

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situated in U.P., else they will kill him. It is also in the FIR that Ram Nath and his brother insulted him a lot and told that they will not return the money, do whatever he wants to do, die if he wants to die, so in the heat of anger, Baljeet Singh consumed the tablet of sulphos which was lying in his pocket and the FIR was recorded. After some time, Baljeet Singh died.

Keeping in view the facts and circumstances of the present case, nature and gravity of the offences, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I do not find it a fit case where the present petitioner is entitled to the benefit of anticipatory bail. The petitioner is named in the FIR and overt act has been attributed to him.

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

February 7, 2017.

(Inderjit Singh)
Judge

hsp

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