

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-18193 of 2017
Date of Decision: 13.07.2017

Sunil Kumar

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Mandeep Kaushik, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.258 dated 30.11.2009 registered for offences punishable under Sections 148, 149, 323, 341, 427, 506, 302, 120-B, 212 and 325 of Indian Penal Code (for short, "IPC") at Police Station Kanina, District Mohindergarh.

The petitioner, who was declared proclaimed offender in instant FIR, has now been arrested and is in custody since 16.04.2016.

Learned counsel for the petitioner has argued that complainant and two other witnesses have been examined. No test identification parade of the petitioner was got conducted. Complainant has not identified the petitioner while other two witnesses have identified him in Court after such a long period. The conclusion of trial will take considerably long time, as such, petitioner may be allowed regular bail during pendency of trial. He has further submitted that sentence of other two co-accused, who were convicted and sentenced, has been suspended in appeal filed by them.

As per case of prosecution, Hoshiar Singh had an altercation with driver of a school bus of B.R. Senior Secondary School for not giving him side. Two teachers of the school tried to pacify him and asked him not to indulge in arguments. At this he took his Alto car in front of the bus and called several persons, who came there with *lathies* and *dandas* in their hands. Thereafter, he stopped the bus by parking his car in front of it on the road. When Hoshiar Singh and those 6-7 persons came towards the bus with *lathies* and *dandas*, Headmaster Rajinder Prashad got down and was attacked by Hoshiar Singh and those 6-7 persons. They caused him injuries with *lathies* and *dandas*. When complainant-Harish Kumar intervened, he was also given *lathi* blows. On raising *rolla* other occupants of the bus came down and got relieved complainant and Headmaster Rajinder Prashad, who had become unconscious because of injuries. Assailants have also damaged the bus. Complainant and injured were taken to hospital but Headmaster Rajinder Prashad died on the way due to injuries suffered by him.

The petitioner was specifically named in statement of Krishan Singh recorded by the police on 30.11.2009.

Learned State counsel has argued that after completion of trial 7 out of 13 accused were convicted by the trial Court and their appeal is pending in this Court. The petitioner has also been identified by PWs, who are eye-witnesses of the occurrence. They had no reason to falsely implicate the petitioner. The question of identification of petitioner is not relevant as he has absconded after the occurrence and was declared proclaimed offender.

The trial in this case is in progress. The petitioner has been identified by two witnesses and was named by PW Krishan Kumar in his

statement dated 30.11.2009 i.e. immediately after the occurrence. This submission of learned counsel for the petitioner that his identification parade was not conducted, carries no weight at this stage, because the petitioner was not apprehended by the police after the occurrence. He was declared proclaimed offender on 13.08.2010.

Keeping in view the gravity of offence and facts discussed above, I find no reason to extend the benefit of bail to the petitioner at this stage.

The instant petition has no merit and the same is dismissed.

However, the trial Court is directed to expedite trial of the case and dispose of the same at the earliest, preferably within six months.

July 13, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No