

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

CRM No. M-39366 of 2016.

Date of Decision: 16.05.2017.

Manu Datana

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. L.M. Gulati, Advocate,
for the petitioner.

Mr. Naveen Kaushik, Addl. AG, Haryana.

Mr. D.K. Bhatti, Advocate and
Mr. Sandeep K. Rana, Advocate,
for the complainant.

JITENDRA CHAUHAN.J.

This is second bail application filed under Section 439 the Cr.P.C seeking regular bail in case FIR No.513 dated 09.12.2015, registered under Section 302 read with Section 34 IPC and Section 25 of Arms Act at Police Station Indri, District Karnal but the challan presented under Sections 304, 109 and 285 read with Section 34 IPC and Section 25 of Arms Act.

It is contended that there is no legal evidence against the petitioner. The petitioner is sought to be connected with the present case only on the basis of disclosure statement of co-accused. It is further contended that even if the case of the prosecution is taken at its face value, no offence is made out against the petitioner. As there was heavy fog on the night of 8/9 December, 2015, the police party fired in

the air but the deceased received a bullet injury when one of the bullets ricocheted off the canter and hit the deceased. Due to fog thick, the police party was not able to judge the position of the canter. The petitioner is in custody since 10.12.2015.

On the other hand, the learned State counsel opposes the bail application.

It is contended by the learned counsel for the complainant that the custody memorandum of the canter in question depicts that its front glass was broken and there was a cut mark on the roof of cabin of the driver seat due to gunshot, that there were two gunshot marks over the glass of the driver's window, that there were four marks of gunshot on the upper portion of the window and that one blood stained gunny bag was found from the back portion of the canter. As per the disclosure statement made by co-accused Vikram, a voice was heard from the canter and tractor to stop the firing. Then again a voice was heard from the canter that due to the fire-shot one person had died.

Heard.

It is to be noticed that at the place of occurrence, the police party was also present. The case of the petitioner is that the firing was done by the police party and that too in the air. The petitioner had no role to play in the occurrence. The plea taken by the petitioner cannot be adjudicated upon at this stage. However, keeping

in view the fact that one person has lost his life in the struggle and the presence of the petitioner at the place of occurrence is also made out so, no case for grant of concession of bail is made out at this stage.

Dismissed.

16.05.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

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