

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

CRM-M No.41310 of 2016
Date of decision: 24th May, 2017

Bhim Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Ram Niwas Kush, Advocate for the petitioner.
Mr. Deepak Sabharwal, Addl. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Bhim Singh in this regular bail application filed under Section 439 Cr.P.C. in case bearing FIR No.748 dated 04.11.2015 registered at Police Station City Hansi, District Hisar under Sections 302/148/149/452 IPC, are that one Inder Dass Maharaj (now deceased) uncle of the complainant Chandu Lal, who was looking after Smadh of Peer Baba near Beer Farm, Hansi, used to object to certain vagabond boys coming to the premises and passing lewd comments, as a consequence of which hot words were exchanged between the two sides but the same was ignored by the complainant side. It was on 03.11.2015 while deceased was sleeping in his residential room around 10.30/11.00 p.m., Balu, Makku, Kala, Biru, Ranbir, Himansu and the present petitioner Bhim along with 4-5 other persons armed with

sticks and axes etc. assaulted the deceased leading to injuries to him and ultimately death.

Contentions of the learned counsel for the petitioner Mr. Ram Niwas Kush, Advocate are that no specific role is attributed to the petitioner in commission of the offence and that he is in custody since 27.12.2015 and the trial is likely to take more time to conclude and that only 4 persons have been found guilty, is in itself reflective of the veracity of the prosecution story.

The bail application is stoutly opposed by learned State counsel Mr. Deepak Sabharwal, Addl. Advocate General, Haryana on the grounds that the petitioner has been named in the FIR and duly identified at the spot and if allowed bail he would influence the witnesses who are of the same very area and thus circumvent due process of law.

Appreciating the submissions of the two sides, the petitioner has been duly named, identified and has been attributed specific role along with his co-accused leading to injuries and ultimately death of the deceased. Contention that death is not the direct and immediate cause of these injuries can only be adjudicated at the time of trial as it has very well come in the medical evidence that as a consequence of these injuries there has been rupture of spleen, clotting of blood in peritoneal cavity and multiple lacerations and bleeding from liver thus, sufficient indication as to the likely cause of death. Apprehension of the prosecution that if allowed bail the petitioner would influence the witnesses, is certainly not

unfounded. In view of the seriousness of the allegations and heinousness of the offence, the petitioner is not entitled to any relief.

No merits. Dismissed.

(FATEH DEEP SINGH)
JUDGE

May 24, 2017
rps

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