

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

**CRM-M No.4157 of 2017**

Date of decision: 27<sup>th</sup> April, 2017

Sourav @ Babu

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. Lekh Raj Nandal, Advocate  
for the petitioner.

Mr. Munish Sharma, Asstt. Advocate General, Haryana  
for the respondent/State.

**FATEH DEEP SINGH, J.**

Allegations against the petitioner Sourav alias Babu in this regular bail application filed under Section 439 Cr.P.C. are that on 05.08.2014 complainant Mohit alias Bacchi along with Dheeraj, Kannu, Siddharth Rathi, Amit alias Kaka and Kush were present near ITI playground when three motorcycles came on which there were three persons riding each motorcycle and they were identified as Mohit alias Shaktimann, Deepak Pawaria and Yogesh alias Kachhua on one motorcycle; Fanti, Neeraj Lather and Aman on the second one and three unidentified persons on the third motorcycle, who stopped the motorcycle of the complainant. The accused took out knife, sticks and brick bats and assaulted the complainant side whereby Shaktimann and Deepak Pawaria gave knife blows to Dheeraj and then Shaktimann and Fanti inflicted blows of knife to the complainant besides Fanti giving a blow of his knife

on the back side of head of the complainant whereas Neeraj Lather, Aman, Kachhua and others gave brickbat and stick blows as a consequence of which Dheeraj died leading to registration of the present case. The motive behind this occurrence is that the petitioner had taken Rs.1.50 lacs which he owed towards Dheeraj and when the same was asked from the borrower he gave injuries to the complainant side.

Contentions of the learned counsel for the petitioner Mr.Lekh Raj Nandal, Advocate are that the petitioner is not attributed any role and is in custody since long time and the trial is not likely to conclude in the near future.

The same is sought to be stoutly opposed by learned State counsel on the grounds that the accused petitioner along with his co-accused has caused injuries to the complainant side after being armed with deadly weapons and there was a clear cut case of premeditation to cause death of the deceased and if allowed bail the petitioner would influence the witnesses.

Going through the arguments of the two sides, it is the petitioner who owed money to the deceased and obviously as circumstances suggest he was instrumental in this attack on the deceased and thus, an element of being the instigator and perpetrator of the crime. Apprehension of the State that if allowed bail the petitioner would influence the witnesses who are of the same area, is not unfounded together with the seriousness of allegations and heinousness of the

offence does not calls for grant of bail and mere incarceration is no ground to allow bail.

Finding no merit the present petition stands dismissed.  
Records be sent back.

**(FATEH DEEP SINGH)**  
**JUDGE**

**April 27, 2017**  
*rps*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |