

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

CRM-M-5725 of 2017

Date of Decision: 13th November, 2017

Parshant @ Nanu

..Petitioner

Versus

State of Haryana

...Respondent

CRM-M-44784 of 2016

Surender @ Gabbu

..Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. J.S. Bedi, Senior Advocate
with Mr. Sunil Sihag, Advocate
for the petitioner (In CRM-M-5725 of 2017)

Mr. Shilak Ram Hooda, Advocate
for the petitioner (In CRM-M-44784 of 2016)

Mr. Munish Sharma, AAG, Haryana.

FATEH DEEP SINGH, J.

Since both these bail applications have arisen in the same very FIR bearing No.367 dated 02.07.2016, Police Station, Meham under Sections 302, 34 IPC are being taken up together for disposal for the

sake of brevity.

The facts brought to the notice of the Court are that on 01.07.2016 Umed Singh, brother of Om Singh @ Kala (deceased) liquor Contractor left his house in the morning but did not return back by the night and it was on the next date at 8 p.m Karambir, PW disclosed to the complainant that he has seen his brother in Civil Hospital, Meham and when the family reached there, it was found that deceased was having injuries purported to be by blunt weapons leading to registration of the present case and it was during the course of investigations, it transpired that Sonu had seen the deceased lastly in the company of accused.

The contentions of the learned counsel for the petitioners that petitioners are behind the bars since 10.07.2016 and that there is no semblance of evidence against them and even the alleged witness Sonu PW2 has resiled from his stand and, therefore, not much of an evidence to connect the petitioners with the commission of offence and has prayed grant of bail to the petitioners.

Learned State counsel has sought to oppose the grant of bail to the petitioners with force and vehemence and has argued that the petitioners are instrumental in the murder of the deceased and there was tangible evidence against them and the fact that witnesses belong to the same very area there is every likelihood that the petitioners would influence them and has prayed for dismissal of the petition on the grounds of heinousness of offence and seriousness of allegations.

Appreciating the submission, PW Jai Bhagwan had brought about the evidence of last seen together of the deceased with the

accused Prashant, Surrender, present petitioners and Jaibir having liquor and thereafter, dead body of the deceased was found and has got recovered on the basis of his disclosure statement mobile phone of the deceased. It is much evident that it is during the course of trial some of the prosecution witnesses have resiled is in itself suggestive the influence that is being wielded by the petitioner's side and the apprehension of the State that if allowed bail, the petitioners would certainly influence the witnesses, who belong to the same very area, and thus will jeopardise the administration of justice and fair trial is not unfounded. Thus, keeping in view heinousness of offences and seriousness of allegations no ground to allow both the applications is made out.

Dismissed.

November 13, 2017

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(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No