

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

(1)

**Crl. Misc. No.M-10636 of 2018 (O&M)
Date of Decision: September 21, 2018.**

Vijay

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

(2)

Crl. Misc. No.M-14861 of 2018 (O&M)

Jag Mohan

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

(3)

Crl. Misc. No.M-22788 of 2018 (O&M)

Rajender

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

**Present: Ms. Sharmila Sharma, Advocate
for petitioners in CRM-M-10636-2018 & CRM-M-22788-2018**

**Mr. R.S. Malik, Advocate
for petitioner in CRM-M-14861-2018.**

Mr. Amrik Narwal, D.A.G. Haryana.

SURINDER GUPTA, J.(Oral)

All the three aforementioned petitions have been filed under
Section 439 Code of Criminal Procedure for grant of regular bail to the
petitioner(s) Vijay, Jag Mohan and Rajender in case FIR No.239 dated

08.05.2017 registered for the offences punishable under Sections 148, 323, 307, 342, 365 read with Section 149 of Indian Penal Code and 25 of Arms Act, at Police Station Rai, District Sonapat.

Heard.

As per case of the prosecution, Ashish cousin of complainant Ankit had gone to buy some goods at the shop of Sandeep Kumar, when petitioner Rajender accompanied by Sunny and 4/5 other boys in two vehicles i.e. one Scorpio bearing registration No.HR06-W-3202 and Ritz car bearing registration No.DL-4-CAM-1687 came from the side of Nasibpur, kidnapped Ashish in Scorpio vehicle and took him to his (Rajender's) house. On hearing the noise, complainant along with his cousin Manjit, neighbours Ashish, Rahul, Yogesh, Rohit and uncle Kaptan reached the house of Rajender and found the door bolted from inside. They heard the cries of Ashish and tried to get the door open. Rajinder did not open the door and started firing at the complainant and other persons accompanying him. The bullets hit right leg of complainant, chest of his uncle Kaptan, right shoulder of Yogesh, left shoulder of Manjit, thigh of Rahul, back of Ashish and Rohit. When the police reached the spot, the assailants fired at the police vehicle and police officials to kill them.

Learned State counsel has argued that petitioners Vijay and Rajender were apprehended at the spot. From petitioner Rajender, a licensed pistol of 32 bore with 2 cartridges while from petitioner Vijay 3 live cartridges were recovered. Petitioner Jag Mohan was arrested on 26.06.2017 on the statement of victim Ashish, whom the petitioner along with his co-accused had kidnapped but no recovery was effected from his

possession. Petitioners are members of a gang and due to their terror, 6 out of 7 witnesses examined by the prosecution have turned hostile. In the event of bail being allowed to them, they will terrorise other witnesses also.

Learned counsel for the petitioners have argued that petitioners have no role in the occurrence. They except Rajender were not named in the FIR and are in custody for the last about 14/15 months. Petitioner Rajender is a Government employee and there is no chances of his fleeing away. He has taken the plea of alibi before the trial Court. So far as the case of Jag Mohan is concerned, no recovery of weapon has been effected from him.

On perusal of the FIR, I find that it is a case in which several persons were caused bullet injuries and the firearms appeared to have been openly used. I find merits in the submission of learned State counsel that 6 out of 7 witnesses have already turned hostile and if petitioners are released on bail, they will get opportunity to terrorise the other witnesses and tamper with the prosecution evidence.

Keeping in view the gravity of the offence, I do not find it to be a fit case to grant regular bail to the petitioners. All the three bail applications are dismissed. However, trial Court is directed to expedite the disposal of the trial and try to dispose of the same at the earliest.

September 21, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***