

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

CRM M-14031 of 2018

Date of decision : 18.04.2018

Anil Kumar

...Petitioner

V/s

State of Haryana

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. M.S. Kathuria, Advocate for the petitioner.

RAJAN GUPTA J.

Petitioner seeks concession of pre-arrest bail in a case registered against him under sections 148, 149, 302, 506, 120-B IPC vide FIR No. 69 dated 14.03.2016 at police station Bhattu Kalan, district Fatehabad. It has been contended before the court that petitioner has no connection with the commission of crime. According to learned counsel, no injury is attributed to the petitioner. He has been falsely implicated in the case. Thus, he deserves the concession of bail.

I have heard learned counsel for the petitioner.

FIR was registered on the complaint of Vinod Kumar. He alleged that on 13.03.2016 at about 05.00 p.m. his cousin Subhash came to his house to meet him. At about 9.00/9.30 p.m. when he was about to leave his house, he was attacked by the accused persons. Accused Munna Gujar gave iron rod blow on rear portion of head of Subhash while Inderjeet gave iron rod blow on the right portion of forehead of Subhash. Due to impact, Subhash fell down. Thereafter, multiple injuries on the person of Subhash were caused. On hue and cry being raised by the complainant, all the

assailants fled from the scene of occurrence alongwith their respective weapons. Thereafter, he was admitted to Bombay hospital, Sirsa where he succumbed to his injuries. The motive behind the attack was that the deceased Subhash was pursuing a murder case of one Vikas Bandar against accused Inderjit in which he was facing trial. FIR was registered and investigation ensued. During the course of investigation, number of accused persons involved in the commission of crime were arrested by the police and their disclosure statements were recorded wherein they admitted their guilt. Name of the petitioner surfaced only in the disclosure statement of the co-accused who were arrested by the police. Stand of the investigating agency is that recovery of weapon used in the crime is yet to be effected from the petitioner.

Keeping in view the seriousness of allegations and the nature of injury inflicted on the deceased Subhash, I am of the considered view that petitioner is not entitled to discretionary relief of pre-arrest bail. Besides, his custodial interrogation may be necessary for taking the investigation to its logical end. Petition is without any merit and is hereby dismissed.

April 18, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No