

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

CRM-M-17782-2018 (O&M)

Date of decision : 28.11.2018

Ankit

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Prathem Sethi, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Heard.

This is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 600 dated 1.11.2016, under Sections 302, 307, 323, 148, 149 of the Indian Penal Code and Sections 25/27/30/54/59 of Arms Act, registered at Police Station City Sonipat, District Sonipat.

As per the version in the FIR, complainant Naveen @ Chindu is a practising Advocate by profession. On 31.10.2016 at around 7.30 P.M., he and his family members were assaulted by Sandeep @ Dimpy, Himanshu, Mohit, Sanju, Gaurav, Saurav, Shiva, Ankit, Subhash, Anita, Meena, Jyoti and Shabnam. They were armed with different weapons and gun shots were fired upon Mahabir Singh-father of the complainant and Neetu-sister of the complainant and Ravinder @ Monty-brother of the complainant. All of

them succumbed to the injuries and died. Complainant also received injuries.

Learned counsel for the petitioner contends that role attributed to Ankit is that he was carrying country made pistol. However, as per the MLR, there is only one gun shot injury on the person of Ravinder @ Monty and second injury is only of bruise. It is further contended that entire family has been involved. In this case petitioner was arrested on 9.12.2016. Out of 31 prosecution witnesses, 10 prosecution witnesses have been examined.

Learned State counsel as well as learned counsel for respondent-complainant have vehemently opposed the grant of bail to the present petitioner. Learned counsel for respondent-complainant submits that even the accused had threatened the complainant-party in the Court premises regarding which another FIR was registered on 10.8.2018.

Learned counsel for the petitioner contends that petitioner is in custody since 9.12.2016 and the material witnesses have been examined. Since the conclusion of the trial will take time and the involvement of the petitioner is doubtful, therefore, present petitioner be enlarged on bail.

After going through the facts and circumstances of the case, I am of the view that it is a triple murder. Presence of the petitioner-Ankit is specifically alleged to be carrying a pistol. Though from him only stick was recovered. In view of Section 149 of the Code of Criminal Procedure, if the presence of the petitioner is proved, he will be liable under the said Section along with the co-accused even if he did not cause the fatal injuries.

Considering the seriousness of the crime, there is every possibility that if the petitioner is enlarged on bail, he may flee justice.

Dismissed.

(KULDIP SINGH)
JUDGE

28.11.2018
preeti

Whether speaking / reasoned	Yes/No
Whether Reportable:	Yes/No