

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

CRM-M-19846-2018

Date of decision: December 21, 2018

Vinod @ Binni

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Manoj Kumar Sood, Advocate
for the petitioner.

Mr. Raj Kumar Makkad, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.

Petitioner is seeking regular bail through second bail petition filed under Section 439 of the Code of Criminal Procedure in case bearing FIR No.529 dated 11.09.2016, under Sections 148, 149, 302, 323, 506, 120-B of the Indian Penal Code registered at Police Station S.G.M. Nagar Faridabad, District Faridabad.

Briefly stated, it is the case of the prosecution that petitioner along with his associates had inflicted serious injury on the person of deceased-Rohit who succumbed to the injuries.

Learned counsel for the petitioner submitted that material witnesses PW-1 Raj Rani (mother of the deceased) and PW-4 Prince have turned hostile and the CCTV footage, CDs (compact discs) are not admissible into evidence as no certificate under the provisions of Section 65-B of the Evidence Act has been placed on record.

On the other hand, learned State counsel has submitted that compact discs Ex.P1 and P2 have been duly proved wherein role of the petitioner is duly established wherein he is shown while beating the deceased.

I have considered the rival contentions. It is no stage to critically examine the evidence available on record. However, the trial in this case is in progress. The record of the trial court transpires that 18 witnesses have already been examined. The compact discs have been produced and proved by PW-5 Sunny Dua. The State is at liberty to produce and prove a certificate under Section 65-B of the Evidence Act during the trial in accordance with law.

Keeping in view the seriousness of the offence, the role attributed to the petitioner and also without expressing any opinion on the merits of the case, this court is of the view that the petitioner is not entitled for the concession of bail.

Petition stands dismissed accordingly.

(RAJ SHEKHAR ATTRI)
JUDGE

December 21, 2018

m. sharma

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No