

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

**Crl. Misc. No.M-26560 of 2018 (O&M)
Date of Decision: July 03, 2018**

Rinku alias Vikas Singh Sisodia

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sanjay Vashisth, Advocate
for the petitioner.

Mr. Dimple Jain, AAG, Haryana.

SURINDER GUPTA, J.(Oral)

This is second petition filed by Rinku alias Vikas Singh Sisodia seeking regular bail in case bearing FIR No.69 dated 01.02.2017 registered for the offences punishable under Sections 148, 149, 302 and 341 of Indian Penal Code and Section 25 of the Arms Act (later on Section 120-B IPC was added) at Police Station, Saran, District Faridabad.

The present FIR was registered on the statement of Satpal Singh, uncle of deceased Sattu, who was shot dead on 31.01.2017 at about 9.15 pm. He has stated that on 31.01.2017 at about 9.15 pm, he was going towards house of Sattu alias Satnam Singh (deceased). When he took turn from Saran Road in the street heading to the house of deceased, he found him going on bullet motorcycle which was surrounded by 6-7 persons, who were on 2-3 motorcycles. The assailants were armed with pistol and sharp

edged weapons. They attacked the deceased, who suffered multiple injuries resulting in his death. After the incident, all the assailants fled away from the spot. However, mobile phone of one of the assailant and one unnumbered motorcycle of the assailant remained at the spot. The complainant had identified three of the assailants namely Ravi, Jogender and Ganje. Later on all the remaining accused including the petitioner were nominated and challan against them were presented.

The prosecution has examined PW1-Sonu and PW2-Rajinder, who have identified all the accused in the Court and have stated that petitioner and all other assailants caused injuries to the deceased. Satpal Singh complainant appeared as PW3 and identified all the seven accused present in the Court and has stated in cross examination that it was the petitioner who had fired the first shot.

Learned counsel for the petitioner has argued that the petitioner was not named in the FIR. No test identification parade was held to identify the petitioner and other co-accused in this case. The mere identification of the petitioner for the first time in the Court carries no value particularly when no weapon of offence was recovered from him. He has further argued that PW1-Sonu and PW2-Rajinder are relatives of the deceased while PW3 complainant is the uncle of the deceased and are interested witnesses.

Earlier bail application filed by the petitioner had been withdrawn on 01.11.2017 by the counsel for the petitioner after arguing at length. After 01.11.2017, statement of complainant has been recorded wherein he has corroborated the testimony of PW1-Sonu and PW2-Rajinder and identified the petitioner in Court. He has also been attributed specific

role in the occurrence. The FSL report shows that cartridges of different bore were recovered from the place of occurrence and body of the deceased which showed that more than one fire arms were used at the spot.

Keeping in view the above facts, circumstances and gravity of the offence, I find no reason to extend the benefit of regular bail to the petitioner in this case.

This petition has no merits.

Dismissed.

July 03, 2018
A.Kaundal

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No