

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

CRM-M-3231-2018

Date of decision:-14.3.2018

Varun @ Vicky

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Ms.Sunita Nambiar, Advocate
for the petitioner.

Mr.Surender Singh, AAG, Haryana.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner –
Varun @ Vicky – an accused in FIR No.234 dated 30.4.2017, under
Sections 307, 511 IPC and Section 25 of Arms Act, later on Section 120-
B IPC was added, registered at Police Station City, Bhiwani, Tehsil and
District Bhiwani.

Briefly stated, the prosecution story is that the FIR in
question was recorded on the basis of a written complaint submitted by
complainant – Punit Masta son of Ramesh Chander Masta, resident of
Gali Mastan, Bichla Bazar, Bhiwani, which he addressed to SHO, Police
Station City, Bhiwani seeking taking of action against accused persons

contending therein that his father Ramesh Chander Masta was murdered by Rahul @ Sashi Partap and others in front of police station on 5.12.2004 by firing gun shots at him; that Rahul @ Sashi Partap and others were tried and sentenced to life imprisonment; that Rahul @ Sashi Partap and his companions tried their level best to attack the complainant and his family members and other witnesses several times; that Rahul @ Sashi Partap had jumped parole many a times; that he was caught by police with illegal weapons and every time he admitted before the police that he ran away with the intention to kill the complainant and his family members; that on 30.4.2017 while the complainant was standing with his cousin brother outside his house and had just left due to some personal work then two boys on motorcycle in the age group of 22-25 years tried to attack cousin brother of complainant, namely, Ravish Masta by brandishing weapons and when Ravish Masta on hearing the noise turned towards them, they immediately sped away their motorcycle; that Ravish Masta chased them but could not apprehend the motorcycle riders; that the incident is recorded in the CCTV cameras installed in his house. Information was accordingly given to the police. Formal FIR was recorded. Accused was arrested in this case. The petitioner – accused had filed an application for regular bail in the Court of Sessions but the same was dismissed by learned Sessions Judge, Bhiwani vide order dated 19.12.2017, therefore, the petitioner has approached this Court for grant to similar relief.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

Though as contended by learned counsel for the petitioner, the petitioner himself had not gone to the house of the accused or threatened the complainant or his cousin brother Ravish Masta, but as is clear from the statement made by the complainant to the police, accused has been threatening the complainant and his family members and had attempted to attack them several times in the past. The present incident is also stated to be result of conspiracy hatched by the present petitioner along with accomplices. A person who is part of conspiracy to commit an offence is equally guilty as the actual assailant. The motorcycle used in the incident is said to have been recovered from the possession of the present petitioner. If regular bail is granted to the petitioner, there is every apprehension of his taking to path of crime, attacking the complainant and his family members, which may result in loss of life and property. As per the custody certificate placed on filed by learned State counsel, the petitioner is involved in another FIR No.171 dated 6.5.2017, under Sections 399, 402 IPC and 25 of Arms Act, registered with Police Station Tosham, Bhiwani. The trial against the petitioner is going on, which is expected to be concluded in near future and his guilt shall be determined during the trial.

Thus, finding no merit in the petition, the same stands dismissed.

14.3.2018

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No

(H.S.MADAAN)

JUDGE