

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

212

CRM-M-5281-2018 (O&M)

Date of Decision: February 19, 2018

Sanjay alias Sanju

.....Petitioner(s)

versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Mahir Sood, Advocate for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. Deepak Vashisth, Advocate for the complainant.

Sudhir Mittal, J. (Oral)

The present petition has been filed for grant of regular bail in case FIR No.600, dated 01.11.2016, under Sections 302, 307, 323,148,149-120-B, I.P.C. read with Sections 25/27/30 of the Arms Act, 1959, registered at Police Station City Sonipat, District Sonipat.

2. As per the allegations contained in the FIR, one Naveen @ Chindu son of Mahabir Singh got a statement recorded that on 31.10.2016 at around 7:30 p.m.when he and his family members were present at home, the accused persons came with weapons and sticks in the street outside and raised a lalkaara. On hearing the same, the said Naveen @ Chindu and his family members came out in the street. The accused were armed with weapons and they fired shots towards the complainant and his family members resulting in

the death of three persons; namely, Mahavir Singh (Father of the complainant), Ravinder @ Monty (brother of the complainant) and Neetu (sister of the complainant).

3. Learned Senior counsel for the petitioner contends that as per the statement of the complainant, the petitioner and others fired at Neetu (deceased), whereas according to the MLR, only one gun shot injury was present on her body. Similarly, the petitioner and the two other accused are alleged to have fired shots at the complainant but again as per his MLR, only one injury is stated to be present on his body. It is also submitted that the petitioner is alleged to have used a revolver, but instead .315 bore rifle has been recovered from him. The petitioner is also stated to have suffered injuries in the fight and thus, the contention is that there was a fight between two families and no case has been registered on the complaint made by the accused persons. The petitioner has been in custody since 04.11.2016. The investigation is complete and challan has already been presented but charge has yet not been framed. Thus, the question whether the alleged use of fire arm by the petitioner has resulted in death or injury is debatable at this stage. The petitioner has been in custody for a long period and no useful purpose would be served by keeping the petitioner in custody for the duration of trial as the same would take long time to be completed.

4. On the other hand, learned State counsel submits that the petitioner is one of the main accused and no cross case was registered as no complaint was filed against the accused person. Moreover, the petitioner has suffered a disclosure statement according to which the injury on his body is self-inflicted.

5. Learned counsel for the complainant has submitted that as a result

of the gun-shot injury received by the complainant, he is still under going treatment and is scheduled to undergo a hip surgery in the near future. He supports the other arguments raised by learned State counsel.

6. No doubt, the petitioner has been in custody for more than one year and at this stage it cannot be stated with any degree of certainty whether the fire arm injury caused by him resulted in the death of one of the three deceased persons or that he caused grievous injury to the complainant or any one else yet, the fact remains that a triple murder was committed. Thus, offence being very serious in nature and the petitioner being one of the persons who is alleged to have caused death no leniency can be shown.

7. The examination of prosecution witnesses has also not commenced till date and therefore the possibility of attempt to influence them, cannot be ruled out.

8. In this view of the matter, the petition has no merit and is accordingly dismissed.

9. At this stage learned Senior Counsel submits that he would make another attempt to seek regular bail after the examination of the complainant. He may do so, if so advised, and the present order shall not be an impediment thereto.

February 19, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :

Yes/No

Whether Reportable :

Yes/No