

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

**CRM-M No. 7895 of 2018
DATE OF DECISION :- May 30, 2018**

Mahavir

...Petitioner

Versus

State of Haryana

...Respondent

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

Present:- Mr. N.S. Shekhawat, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. S.S. Dinarpur, Advocate for the complainant.

This petition for regular bail has been filed by petitioner Mahavir, an accused in F.I.R. No. 381 dated 9.11.2013 for offences under Sections 365,302,201,120-B IPC and Sections 25, 27, 54, 50 of the Arms Act registered with Police Station Farakpur.

Briefly stated that facts of the case as per prosecution story are that about 23-24 years earlier Bansilal was married with Amarjeet Kaur, resident of Village Mohri, Tehsil Bilaspur, District Yamunanagar and the couple was blessed with three children two sons and a daughter. Their eldest child is a son named Rahul, aged about 22 years followed by a daughter namely Radha, aged about 19 years and another son Rajat, aged about 17 years. Bansilal was engaged in business of building lifts at Gurgaon in Haryana, at Zira in Punjab and at Chennai in Madras. He has no business

rivalry with any other person. That on 15.8.2013, Bansi lal left the house in Yamunanagar in the evening but he neither reached his work place nor returned home rather his whereabouts could not be known despite best efforts by friends and relatives.

Formal F.I.R. No. 381 dated 9.11.2013 for an offence under Section 365 IPC was lodged at Police Station Farakpur, District Yamunanagar. However, the police did not take any interest in tracing Bansi Lal. Despite the fact that petitioner and his brothers have informed the police that Amarjeet Kaur wife of Bansi Lal, children and brother-in-law of Bansi Lal namely Mahavir Singh be interrogated properly, who were prima facie proved to be behind missing of Bansi Lal; that from the day of missing of Bansi Lal, his wife Amarjeet Kaur, children and brother-in-law Mahavir Singh are not raising any grievance rather they were found to be more happy which point out that something was fishy and if enquiry is made from them truth can be found out.

The petitioner had submitted a representation dated 7.2.2017 to DGP Haryana and other higher authorities but to no effect. It is further contended that Mahavir Singh, real brother-in-law of Bansi Lal from the very beginning was having a business rivalry with father of the petitioner. Father of petitioner had filed a civil suit against Mahavir Singh titled "Maam Chand versus Mahabir" in which interim injunction was granted to the plaintiff against Mahavir Singh. Loosing all hope in the matter, the petitioner has filed the present petition. Notice of petition was given to the respondents, who put in appearance.

As it comes out in the F.I.R. in question, Mahavir Singh has

been arrested on 29.8.2017. He has been sent up to face trial by way of filing challan in the Court. The trial against him is stated to be at an advanced stage, inasmuch as out of 13 PWs cited 7 PWs have been examined. Two PWs given up for next date of hearing fixed as 28.5.2018 for remaining evidence of prosecution.

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

Mahavir Singh, Sohan Lal and Rajiv Kumar were arrested in this case. Mahavir has filed a petition for grant of bail to the Court of Sessions, which was dismissed as such he has approached this Court.

The trial is likely to be concluded in near future. The guilt of accused shall be determined during the trial.

Keeping in view the gravity of the allegations as well as the fact that trial is likely to be concluded in near future, no ground for grant of regular bail to the petitioner is made out, therefore, the present petition stands dismissed.

(H.S. MADAAN)
JUDGE

May 30, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No