

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1) CRM-M No. 800 of 2018 (O&M)
Date of decision : 17.4.2018

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Mandeep @ Budha

.....Petitioner

vs.

State of Haryana

.....Respondent

2) CRM-M No. 2212 of 2018 (O&M)

...

Kuldeep @ Pantla

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Sandeep Lather, Advocate
for the petitioners.

Mr. Neeraj Poswal, Assistant Advocate General,
Haryana.

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H. S. Madaan, J.

Vide this order I intend to dispose of CRM-M-800-2018
titled as Mandeep @ Budha vs. State of Haryana and CRM-M-2212-
2018 titled as Kuldeep @ Pantla vs. State of Haryana, as both these
petitions have arisen out of the same FIR.

Petitioners - Mandeep @ Budha and Kuldeep @ Pantla, have filed the present petitions for grant of regular bail, both of them being accused in FIR No.34 dated 3.2.2017 for offences under Sections 307/34 IPC and 25 of Arms Act (later on Section 120-B IPC added), registered at Police Station City Narwana, District Jind.

Briefly stated, facts of the case as per prosecution story are that on 3.2.2017 at about 6.30 P.M. while complainant Mohit Singla, was sitting in his shop at Narwana, he was fired at by a young man, which hit the complainant on his left back. The complainant ran away from his shop and went to Bikaner Mithai Shop. The assailant chased and fired another shot at him there, but the complainant had a miraculous escape. Then the assailant ran away and sat on a bike already having two riders. Thereafter the bike was sped away.

The complainant was medically treated and on the basis of his statement, formal FIR was registered. The matter was investigated. The accused were arrested in this case. They had moved an application for regular bail in the Court below, but were unsuccessful there, as such they have approached this Court for grant of similar relief, by way of filing the present petitions.

I have heard learned counsel for the petitioners, learned State counsel, besides going through the record.

Learned counsel for the petitioners has argued that the eyewitnesses have not identified the petitioners during the trial, as such they be granted bail. However, I am not impressed by this contention. Merely because, the eyewitnesses have not identified the petitioners during the trial, does not mean that they would definitely

earn acquittal in the trial. The court has to keep all the facts and circumstances in view, so as to find out whether charge against the accused has been proved or not. Merely because the eyewitnesses resile on the point of identification does not mean giving a clean chit to the accused automatically, if they can be otherwise connected with the incident.

I find that the allegations against the petitioners are grave and serious. As per the custody certificate placed on the file, petitioner Mandeep @ Budha is involved in more than 5 criminal cases , the details of which are as under:-

1. FIR No. 2/2016, dated 11.1.2016 under Sections 382, 365, 148, 149 IPC and 25 of Arms Act, Police Station Ghagga, Patiala.
2. FIR No. 126/2016, under Section 160 IPC, Police Station City Narwana, Jind.
3. FIR No. 10/2016, under Section 399 IPC, Police Station Urban Estate Patiala, Patiala.
4. FIR No. 45/2017, dated 10.2.2017 under Sections 398, 401 IPC and 25/54/59 of Arms Act, Police Station City Narwana, Jind.
5. FIR No. 35/2017, dated 5.2.2017 under Sections 307/34, 120-B IPC and 25,54,59 of Arms Act, Police Station City Narwana, Jind.

Whereas petitioner Kuldeep @ Pantla is involved in two more criminal cases, the details of which are as under:-

1. FIR No. 45/2017, dated 10.2.2017 under Sections 398,

401 IPC and 25/54/59 of Arms Act, Police Station
City Narwana, Jind.

2. FIR No. 35/2017, dated 5.2.2017 under Sections
307/34, 120-B IPC and 25,54,59 of Arms Act, Police
Station City Narwana, Jind.

It means that they have got a criminal past. There is every reasonable apprehension of their trying to tamper with prosecution evidence, absconding and taking to the path of crime again and indulging in such type of incidents, if granted bail, leading to breach of peace and tranquillity in the society. The trial against them is going on which is likely to be completed in near future. No case for grant of bail is made out. Accordingly, both the petitions stand dismissed.

17.4.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes/ No

Whether reportable Yes/ No