

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-8179 of 2018

Date of decision : May 30, 2018

Harnek Singh @ Mattu

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. RS Rai, Senior Advocate with
Mr. DS Brar, Advocate, for the petitioner

Mr. Paramjeet Singh, AAG, Haryana for the State

Fateh Deep Singh, J. (Oral)

This order shall dispose of 4th regular bail application of accused petitioner Harnek Singh @ Mattu moved under section 439 of the Code of Criminal Procedure.

The brief allegations stems from the statement of Devender Singh complainant wherein he alleged that on 26.2.2016, Major Singh entered into an altercation with the petitioner and on 27.2.2016, a Panchayat was convened where Devender Singh complainant along with Major Singh had come to the office of Rajbir Sandhu, Property Dealer where the complainant and his son Amrinder Singh @ Raja now deceased were

standing outside the office and at that time it is alleged that Mattu petitioner armed with illegal pistol, Ranjit Singh Lahoria, Navi Kamboj and Ram Niwas armed with pistols fired shots from their respective weapons on Amrinder Singh and Angrej Singh and thereafter these persons dragged the deceased inside the shop and at that time the petitioner is alleged to have been given direct fire on the left side of stomach of the deceased whereas co-accused non-applicants fired at the gate of the office. Another fire was given by accused Navi on the right side of the head of Angrej Singh and thereafter the accused ran away. The injured were taken to hospital where Amrinder Singh @ Raja died.

Heard counsel for the petitioner Mr. RS Rai, Senior Advocate assisted by Mr. DS Brar, Advocate and Mr. Paramjeet Singh, AAG, Haryana for the State and perused the records.

The main thrust of the submissions of the counsel for the petitioner is that as per Forensic Science Laboratory report Annexure P/4, the 7.65mm fired bullet which was taken out from the dead body has been fired from a rifled barrel firearm and not from a pistol and therefore, eye witness account materially contradicts the corroborative evidence and that the petitioner is behind the bars since more than two years two months and eight days.

The bail application is stoutly opposed by learned State counsel on the grounds that the accused side had gathered duly armed with deadly fire arms and have caused death of one person and seriously injured the

other and if allowed bail the petitioner would influence the witnesses and circumvent the due process of law.

Appreciating the submissions, the question regarding report of Forensic Science Laboratory that the fired bullet has been fired from rifled barrel is a matter of evidence to be duly gone into at the time of trial. There are serious allegations whereby the accused side have taken the law into their own hands and caused death of one person and serious injuries to other by means of firearm. Mere incarceration is no extenuating circumstance for grant of bail. Finding no merit, the present bail application is dismissed.

May 30, 2018
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No