

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-8613 of 2019 (O&M)
Date of decision : May 10, 2019

Antar Singh @ Vinay

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pratham Sethi, Advocate, for the petitioner
Mr. Amrik Narwal, DAG Haryana for the State
Mr. JP Dhull, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

Petitioner-accused Antar Singh alias Vinay has come up in this second regular bail application under Section 439 Cr.P.C. for the grant of bail in case bearing FIR No. 107 dated 23.4.2018, under Sections 302, 307, 498-A, 109, 120-B, 34 IPC, and Sections 25/27 of Arms Act, 1959, Police Station Bhuna, District Fatehabad.

The facts that have been canvassed before this Court are that complainant Dilbag Singh made a complaint to the police stating that her maternal aunt Manpati had adopted the complainant since

childhood as she was having four daughters. Sunita daughter of Manpati was married about 8/9 years ago with accused non-applicant Devender Singh brother of the petitioner out of which the couple have children. It is further alleged that two months prior to this occurrence, Sunita had come to visit her mother along with kids at Gorakhpur. It is alleged that on 23.4.2018 Kailo Devi, Manpati, Sunita and Ram Bhateri were present in the house while the complainant was sleeping on the first floor. It is alleged that Devender Singh non-applicant came on a Scooty and was armed with a pistol and on arriving he started firing and when the complainant hearing the shots came down saw accused Devender Singh firing indiscriminately at Manpati and Kailo Devi. All of these persons tried to run for shelter followed by accused Devender Singh who bolted the door of the room from inside and fired. On information, the police arrived and with much tact the police managed to get the door of the room opened and nabbed Devender Singh and found both Manpati and Kailo Devi had been murdered by the fire arm. The motive behind this occurrence is that 2/3 months prior to this Devender Singh and his brother present petitioner Antar Singh @ Vinay had come to Manpati and fought with her and fired in the air on account of less spending in the dowry and demanded Rs 14 lacs and threatened her to face the consequences. The complainant alleged that mother-in-law of Sunita namely Sushila and

accused Ritu and Vinaypal too had conspired along with present petitioner in this episode.

Mr. Anmol Rattan Sidhu, Sr. Advocate assisted by Mr. Pratham Sethi, Advocate, for the petitioner has vehemently argued that prima facie prosecution does not level any allegation against the petitioner who was neither present nor any specific role is attributed to him in the commission of the offence. It was contended that the allegations of conspiracy by the petitioner is not at all established and rather it was an occurrence where the petitioner is not involved by any means submitting that the petitioner is behind the bars since 11.5.2018 and the trial is not likely to be concluded in the near future.

Mr. Amrik Narwal, DAG Haryana assisted by Mr. JP Dhull, Advocate, for the complainant and SI Ram Kumar, PS Bhuna, District Fatehabad has placed reliance on mobile conversation to hammer home the point that the dialogue between the petitioner and his brother principal accused Devender Singh is suggestive that the petitioner had instigated his brother that no one should escape is itself suggestive of the intent. It was argued that the accused are responsible for horrendous act of causing murder of two women by firing indiscriminately over a long period of time and the very heinousness of the offence, innumerable number of injuries on the dead bodies are suggestive of barbaric conduct of the accused and if allowed bail, there is every likelihood that the accused would stifle

the trial.

Appreciating the submissions, the principal accused Devender Singh has been apprehended at the spot by the police while committing the crime where two precious lives have lost. The number of fire arm injuries on the dead bodies is illustrative of the heinousness with which the deceased have been butchered. Without feeling much necessity to advert on to the conversation placed before this Court by the State is suggestive of element of instigation by accused-petitioner who happens to be the real brother of principal accused Devender Singh. The apprehension of the State that if allowed bail, the petitioner may stifle the trial is not unfounded. Moreover the heinousness of the offence does not calls for grant of bail and the present petition as such stands dismissed.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

May 10, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No