

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14720-2019

Date of decision-29.04.2019

Mewa Singh

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mrs. Rupinder Kaur Thind, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. Subhash Godara, Advocate for the complainant.

MANOJ BAJAJ, J.

This is the third petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.86 dated 11.03.2017 under Sections 302, 323, 307, 216, 120-B read with Section 34 of Indian Penal Code and Section 25 of Arms Act, 1959, registered at Police Station Bhuna, District Fatehabad.

The present FIR was registered on the statement of one of the eye witness, namely, Mange Ram, wherein it was alleged that on 11.03.2017, he along with Naresh Kumar, Lal Chand and Tinku was coming from Dahman to Bhuna in a car bearing registration No.HR-23-G-6501. At about 11.30 a.m. when they reached near Welcome gate Baijalpur, then three persons came from opposite side on a black motor cycle make Super Splendor without registration number driven by the petitioner. They stopped

their motor cycle in front of their car. All three persons fired shots from their weapons which hit Naresh and Tinku. After that, complainant, Lal Chand and Tinku got down from the car, then Rohtash gave pistol blow on the back side of head of the complainant and Rakesh @ Mukki gave pistol blow on the head of Lal Chand. Then complainant and Lal Chand took out bindas from their car and gave bindas blow to them. Several persons of the village reached there and on seeing the villages, they ran away from the spot along with their weapons. In the above occurrence, Naresh had died and Tinku suffered injuries.

Learned counsel for the petitioner contends that the petitioner is in custody since 09.05.2017 and complainant, namely, Mange Ram has already been examined by the prosecution. It is contended that the prosecution has examined all the material witnesses and therefore, further custody of the petitioner may not be justified.

On the other hand, learned State counsel has opposed the bail application on the ground that the prosecution is in the process of discharging the onus and one of the injured witness, namely, Tinku is yet to be examined.

Considering the nature of offence and the role attributed to the petitioner, no case is made out for grant of regular bail to the petitioner.

Consequently, petition is dismissed.

(MANOJ BAJAJ)
JUDGE

29.04.2019

sd/vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No