

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

**CRM-M No. 15730 of 2019**

**Date of Decision: 10.04.2019**

Mahavir

..... Petitioner

*Versus*

State of Haryana

..... Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. Ajay Jain, Advocate for the petitioner.  
Mr. Yashwinder Singh, DAG, Haryana.

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**MAHABIR SINGH SINDHU, J. (Oral)**

The present petition has been filed under Section 438 of the Code of Criminal Procedure (for short 'Cr.P.C') for grant of pre arrest bail to the petitioner in case FIR No.226 dated 25.08.2018, registered under Sections 302/34 of the Indian Penal Code, 1860 registered at Police Station Julana, District Jind.

FIR in the present case was registered on the statement of Balwan, chacha (uncle) of deceased Ankit son of Bhoop Singh to the effect that his nephew Ankit was learning driving on JCB machine with the driver of their village Surjit son of Dhira, which belongs to Mahavir son of Mange Ram. On 24.08.2018 at 10:00 am, when Ankit had gone to learn driving JCB, Krishan (another uncle of deceased), received a telephonic call from his nephew Ankit on his mobile phone at about 10:18 pm that four boys have been beating him in Lalit Khera and Krishan asked Ankit that who are they, tell their names, but the phone of Ankit was disconnected. Thereafter, they tried to call Ankit but all in vain. He is sure that his nephew Ankit has

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been killed by Surjit son of Dhira and Mahavir son of Mange Ram (the present petitioner) and their unidentified associates by giving beating and thrown on the road and thereafter buried his face in the soil of the field.

It is contended by learned Counsel for the petitioner that although he has been named in the FIR but there is no material available on record with the police to indicate that petitioner has played any role regarding the murder of the deceased Ankit. Also contends that till date, even the police is not able to recover anything from the co-accused, who have been arrested for the complicity of the petitioner. Further contends that petitioner is ready to join the investigation and will fully cooperate with the police.

On the other hand, learned State counsel, on instructions from ASI Pawan Kumar, has opposed the bail application by contending that on the fateful day, the petitioner talked to the deceased atleast on 13 occasions and the details of calls have been retrieved by the police. Also contends that petitioner has been specifically named in the FIR and he is the owner of the JCB machine which the petitioner was learning. Also raised the contention that non bailable warrants of the petitioner have been issued and as such he is evading the investigation.

Heard both sides and perused the paper book.

Affidavit filed by Superintendent of Police, Jind reveals that on five occasions raids were conducted at the residence of the petitioner but he was not traceable. Affidavit also reveals that initially bailable and thereafter non bailable warrants have been issued against the petitioner but he is successful in avoiding to join the proceedings. This shows that the petitioner has no respect for law. No ground is made for grant of pre arrest

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bail to the petitioner. Petitioner has been specifically named in the FIR. He is the owner of the JCB where deceased was learning to drive the same and on the date of occurrence, he made 13 phone calls to the deceased. Abrupt disconnection of the mobile when talking to his uncle Krishan needs thorough investigation and custodial interrogation of the petitioner is necessary being owner of the JCB regarding murder of a young boy.

Petition is, therefore, dismissed.

The above observations may not be construed as an expression of opinion on merits of case.

**10.04.2019**  
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**( MAHABIR SINGH SINDHU )**  
**JUDGE**

|                                  |               |
|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |