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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17934-2019

Date of decision-02.05.2019

Karambir @ Dholiya

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. V.P.Sangwan, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana assisted by
ASI Gurpal Singh.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.67 dated 16.02.2019 under Sections 302 and 365 read with Section 34 of Indian Penal Code registered at Police Station Mahendergarh.

The FIR was registered on the basis of statement of Devender Singh which reads as under:-

"It is stated that I Devender Singh s/o Jogender Dayala Caste Pal (Gadriya) village Nangla Munshi, Police Station Vidhuna, District Oriyya, (U.P) and employed as a saleman as a liquor vend in village Khativas, where my brother-in-law satish s/o Lakhani R/o Village Baraha Devi PS Bela District Ourwa (U.P) is also employed there. On dated 16.02.2019 at about 6 PM

three boys namely Dhuliya, Baba and Bhupender come on their liquor vend, who started taking with Dholiya Contractor regarding their salaries account and they abducted Satish by putting him in his car and took him to village Nangal Sirohi's Liquor vend where they beat Satish and Satish became unconscious, then he was left at Nangla Sirohi liquor vend, after getting him medicines, he was left there only. The complainant thereafter called Dholiya contractor who made Satish sit in his car and took him to the hospital, where said Satish was declared dead by doctors, then I and Rajesh Kumar, asked Dholiya contractor that why he beat Satish, he said that Satish did not run the shop with account and the complainant prayed for taking an action.”

Learned counsel for the petitioner contends that it is the petitioner who took the victim-Satish to the hospital in his car where he was declared brought dead. According to him, injuries caused are on the non-vital parts of the person of the victim and therefore, the petitioner deserves the concession of bail.

On the other hand, learned State counsel assisted by ASI Gurpal Singh has opposed the bail on the ground that the victim, namely, Satish was employee at the liquor vend which was run by three partners, namely, Karambir, Baba and Bhupender. On a suspicion of embezzlement, Satish was taken away by these persons to another vend owned by them as well. There in the presence of Mahesh, victim was thrashed mercilessly which resulted into his death.

Considering the nature of the allegations and the role attributed

to the petitioner who is named in the FIR, no case is made out for grant of extra ordinary concession of pre-arrest bail to the petitioner.

Consequently, the petition is dismissed.

(MANOJ BAJAJ)
JUDGE

02.05.2019
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No