

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39336-2018
Date of decision-14.10.2019

Vicky @ Kapa

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rajesh Lamba, Advocate for the petitioner.

Mr. Sanjay Kumar Saini, AAG, Haryana assisted by
ASI Raja Ram.

MANOJ BAJAJ, J.

Petitioner-Vicky @ Kapa has filed this petition under Section 438 Cr.P.C for grant of anticipatory bail in FIR No.310 dated 02.06.2018 registered under Sections 148, 149, 307, 427 and 506 of Indian Penal Code and Section 25 of Arms Act at Police Station City Fatehabad, District Fatehabad.

The FIR was registered on the statement of Jivan Dass son of Azad Singh wherein it was alleged that he was attacked by various persons and some of them were named by him. According to the complainant, some of the accused persons, namely, Balraj, Sunny, Kapa and Rohit fired from their respective weapons at him, however, he escaped and entered his house. Thereafter, the assailants threw stones and bricks and damaged his scooty as

well as a car belonging to the neighbour.

On 28.11.2018, the petitioner was granted the interim concession of pre arrest bail with a direction to join the investigation. On 03.09.2019, the following order was passed:-

“Learned State counsel on instructions from ASI Dharampal has apprised the Court that the weapon of the offence is yet to be recovered and the petitioner is not joining the investigation despite the directions given by this Court. It is further pointed out that the petitioner is involved in 19 other cases wherein some of those cases, he stands acquitted also.

Learned counsel for the petitioner prays for time to seek instructions.

On request, adjourned to 13.09.2019.”

Learned counsel for the petitioner submits that in compliance of the order dated 03.09.2019, the petitioner has again joined the investigation.

On the other hand, learned State counsel on instructions from ASI Raja Ram has opposed the bail application on the ground that the weapon of offence used in the crime is yet to be recovered and the petitioner is not cooperating. He submits that there is ample evidence collected from the scene of crime regarding use of fire arm weapons. It is pointed out that the petitioner is already involved in 17 other cases.

Learned counsel for the petitioner does not dispute this fact that the petitioner is involved in number of cases and submits that in some of them he has been acquitted.

Considering the nature of offence and the fact that the petitioner

is not cooperating with the investigation, he does not deserve the concession of pre-arrest bail. Considering the facts and circumstances of the present case, this Court finds that custodial interrogation of the petitioner is necessary to unearth the truth.

Petition is dismissed.

(MANOJ BAJAJ)
JUDGE

14.10.2019

vanita

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