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

CRM-M-26650 of 2019

Date of decision: July 16, 2019

Bhupinder Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. H.S. Jaswal, Advocate for the petitioner.

Mr. Arun Beniwal, DAG Haryana.

MAHABIR SINGH SINDHU, J (Oral)

Present second petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of interim bail for two months to the petitioner, in FIR No.83 dated 28.06.2018, under Sections 25 and 30 of Arms Act, 1959, Sections 120-B, 148, 149, 302, 307, 323, 427, 506, 201 of Indian Penal Code, 1860 and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Kalka, District Panchkula.

It is contended on behalf of the petitioner that his father is critically ill and he has been advised to undergo surgery, thus, an interim bail for period of two months be granted.

On the other hand, learned State counsel, on instructions from police official present in Court to assist him, has opposed the prayer while submitting that petitioner is not only the kingpin in this case, but leader of the gang whose members are involved in commission of the

crime.

Brief facts of the case are that, the FIR case was registered at the instance of complainant Yog Raj @ Pinki son of Sucha Ram caste Gujar resident of Village Majra Mehtab, P.S. Kalka, aged 28 years with the allegations that on 28.6.2018, he along with his friends, Satish @ TT resident of Majra Mehtab, Aman son of Satpal, Deepa @ Dalip, Lakhwinder @ Happy, Harvinder @ Pola residents of Majra Mehtab and Vikram @ Vicky (since deceased) resident of Ghatiwala, Pinjore, Mahender @ Minder son of Lajja Ram, Village Majra Mehtab gathered at Paploha at a sand outlet for birthday celebration of Vikram @ Vicky. At about 4.30 PM six vehicles from the side of Kherawali having about 30 young boys armed with sticks, swords, rods, guns etc. came there and he saw Umesh Kumar @ Matru, Akram resident of Panga Majri, Ishar Nagar, Pamma resident of Baddi armed with .12 bore guns and Gurmeet @ Roda resident of Sukhomajri, Madan @ Maddu, Satta resident of Manakpur, Makhan resident of Sukhomajri, Rinku resident of Kattal Barottiwala, Gola resident of Khada Pathar Wasudevpura, Deepu Kaimbwala, Sourav Jassu resident of Pinjore, Billa resident of near Chikan, were armed with pistols and swords and they started indiscriminate firing. After noticing firing, Vikram @ Vicky Kammy tried to hide himself on the rear seat of Scorpio No. HR49-C-9358, but Umesh Kumar @ Matru, Pamma Baddi and Akram fired instantaneously and due to that Vikram @ Vicky died on the spot inside the Car. When they tried to save themselves, then Makhan Sukhomajri, Madan @ Maddu, Gurmeet @ Roda Sukhomajri, Gola resident of Khara Pathar,

Rinku r/o Kattal Barottiwala, Billa resident of Chikan, Satta Manakpur, Deepu resident of Kaimbwala, Ram Gopal @ Pallu R/o Kona, Sourav Jassu, Yashpal @ Yashu Resident of Tagra Hansua, ran after them while firing along with other boys and on account of this Dalip @ Deepa suffered a gunshot injury on his waist, Lakhwinder @ Happy a gun shot injury on his arm, Mahinder @ Minder suffered a sword blow, Harvinder @ Pola a gun shot injury, Nirmal @ Happy suffered a rod blow. On hearing the firing, people started gathering there and all the assailants damaged Alto Car also bearing Registration No.HR-49-C-7838 with their rods and while firing they ran away towards Kalka side in their respective vehicles. All these assailants had come on the place of occurrence at the instance of Bhupinder Singh @ Babu and Sham Lal Tagra to murder him (complainant) and his friends. All the accused came there on account of previous enmity of the complainant with Bhupinder Singh @ Babu and Sham Lal Tagra in order to take the revenge they had sent about 30 young boys of their gang to kill the complainant as well as others and Vikram @ Vicky died on the spot whereas others sustained injuries. Bhupinder @ Babu and Sham Lal Tagra connived with each other and sent 30 boys in order to commit the crime and they came in two white colour Scorpio, one white colour Verna car, One white colour Brezza, one white Swift car and one Alto Car of golden colour.

Heard both sides and perused the paper-book.

In response to the notice of motion issued by this Court, reply by way of affidavit of Gurmail Singh, DSP, State Crime Branch, Panchkula filed by learned State counsel, today in Court, is taken on

record. A copy thereof has been supplied to the counsel opposite. In the said reply, it is *inter-alia*, stated as under:-

“It is also submitted that the petitioner is head of BSB Gang in the above case and is in judicial custody in Central Jail Kurukshetra in serious offences and if the petitioner is given interim bail he is likely to abscond as well as he may threaten and influence the witnesses, so the present petition may kindly be dismissed, in the interest of justice.”

Perusal of the above reply by way of affidavit clearly reveals that petitioner is head of a gang and facing serious offences, thus, this Court is not inclined to grant him interim bail. It is also to be noteworthy that this Court, on previous occasion, while giving detailed reasons, dismissed his petition, i.e. CRM-M-55659 of 2018 for grant of regular bail pending trial, decided on 20.02.2019.

In view of the above, no ground for grant of concession of interim bail to the petitioner is made out.

Petition stands dismissed. Needless to say that observations made above may not be construed as an expression of opinion on merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

July 16, 2019
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No