

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM-M-27107 of 2019**  
**Date of Decision: 04.07.2019**

Yogesh

....Petitioner

**VERSUS**

State of Haryana

....Respondent

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Kartar Singh, Advocate  
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

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**SURINDER GUPTA, J.(Oral)**

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.522 dated 23.12.2014 registered for offences punishable under Section 302 read with Section 34 of Indian Penal Code and 25 of the Arms Act, at Police Station City Narnaul, District Mahendergarh. (Offence punishable under Section 120-B IPC was added later on).

Heard.

As per case of prosecution, the occurrence took place on 23.12.2014, when complainant-Phul Singh and Sandeep were going towards Mahendergarh side. Two persons, namely, Birender @ Jhuthar and Bhim Singh came on motorcycle, fired shot at Sandeep resulting in his death and then fled away from the spot.

Learned counsel for the petitioner submits that the petitioner has not been named in the FIR. The conspiracy angle as projected by the prosecution while implicating accused Vikram @ Papla has been rejected by

trial Court, as such, there is no evidence against the petitioner at this stage.

Learned State counsel on instructions from SI Bahadur Singh submits that custodial interrogation of the petitioner is required, who is evading his arrest. He is also wanted by the police in another case bearing FIR No. 305 dated 16.11.2016 for offence punishable under Section 302 registered at Police Station Nangal Chaudhary. As per evidence collected by the police so far petitioner was actively assisting the assailants, Birender @ Jhuthar and Bhim Singh and taken them from the place of incident in a Scorpio car, which is yet to be recovered. The motorcycle used in the occurrence was also supplied by the petitioner. It is a case of active involvement of petitioner in the incident and not of mere involvement of petitioner in conspiracy.

The occurrence in this case had taken place in the year 2014 and petitioner has evaded his arrest so far. Two of the accused, namely, Birender @ Jhuthar and Bhim Singh have already been convicted and sentenced for offence punishable under Section 302 IPC.

Keeping in view above facts and submissions of learned State counsel, I find no reason to extend the benefit of anticipatory bail to petitioner at this stage.

This petition has no merit and the same is dismissed.

**July 04, 2019**  
**jk**

**( SURINDER GUPTA )**  
**JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No