

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

CRM-M-31708 of 2019(O&M)

Date of Decision:06.11.2019

Sandeep

....Petitioner

Versus

State of Haryana

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Rosi, Advocate for the petitioner.

Mr. Arun Beniwal, DAG, Haryana.

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 439 Cr.P.C. seeking bail pending trial in case FIR No. 304 dated 11.08.2017, under Sections 148, 149, 302 and 120-B of the Indian Penal Code registered at Police Station Tauru, District Nuh.

As per the allegations of the prosecution, on 10.08.2017 at about 10/10:30 p.m., the complainant was sitting on the roof of his house and he saw seven/eight persons have come to the vacant plot, which is nearby the house of the complainant and started drinking liquor. After sometime, they started fighting. One of them was running towards the house of one Krishan Shah and others were chasing him. They caught hold of the person in front of the house of Krishan Shah and gave beatings to him with *danda and punch*, resultantly he became unconscious and all the accused ran away from the spot. The complainant gave information to the police regarding the incident and present FIR was registered.

Learned counsel for the petitioner contends that there is

no allegation against the petitioner that he has played any role in the commission of murder of deceased-Ajay. Further contends that the petitioner is in custody since 20.08.2017 and nothing has been recovered from him during investigation.

On the other hand, learned State counsel has opposed the bail on the ground that the motorcycle has been recovered from the petitioner and in his disclosure statement got recorded that he had caught hold of leg of the deceased.

Heard learned counsel for the parties and perused the paper book.

Since, the young boy has lost his life and the petitioner had actively participated in the occurrence; motorcycle was recovered from him during investigation which was used while committing the crime. Thus, keeping in view the gravity of offence, this Court finds no merits in the present petition and the same is hereby dismissed.

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

[MAHABIR SINGH SINDHU]
JUDGE

November 06, 2019

rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no