

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

216+140

CRM-M-36360-2019 O & M)
Date of Decision:24.09.2019

Sanjay

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Kotla, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.
CRM-29000-2019

This application has been filed for placing on record the statement of PW-6 Dalip Singh s/o Sh. Gopi Ram, resident of Village Jandawala Bhagar, District Fatehabad.

Application is allowed and statement of PW-6 is taken on record.

Main Case

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.92 dated 16.04.2018, under Sections 302 and 34 IPC, 1860, registered at Police Station Bhattu Kalan, District Fatehabad. Petitioner is in custody since his arrest on 18.04.2018.

Dalip Singh son of Sh. Gopi Ram got the FIR lodged with the allegation that on 15.04.2018, he received the telephonic information from Hanuman @ Bhani through Vikas and his nephew namely Nathu Ram that

his son Baljeet Singh had received injuries from Hanuman @ Bhani and he

was lying on the road. The complainant along with Sarpanch and others reached at the spot and found that dead body of his son lying on the road near the wheat fields of Panna Lal Beniwal. It was mentioned in the FIR that his son was murdered by Hanuman @ Bhani and others by giving injuries.

Learned counsel for the petitioner contends that the petitioner is similarly situated as his co-accused Vikas, who has been extended the concession of regular bail vide order dated 11.07.2019. He submits that the investigation of the case is complete and in fact he was not one of the assailants, who had caused injuries upon the persons of the deceased. According to him, as per prosecution, video recording of the alleged incident was made through the phone of the petitioner and if it was so, it may not be possible that the petitioner also participated to cause injuries.

On the other hand, learned State counsel assisted by SI Krishan Kumar has opposed the bail application submits that the CD of the alleged occurrence reflected the presence of the petitioner, who participated in the crime. He submits that the concession of bail was extended to Vikas as he did not cause any injury to the victim as per the said CD. He further submits that the case of the petitioner is clearly distinguishable from his co-accused.

Considering the above and the allegations against the petitioner, this Court does not find any reason to grant regular bail to the petitioner, at this stage.

Dismissed.

24.09.2019

sheetal

(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No