

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

CRM-M No.12706 of 2020
Date of decision: 3rd June, 2020

Deepak

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Atul Lakhanpal, Senior Advocate with
Mr. Arjun Lakhanpal, Advocate for the petitioner.
Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Deepak has come up in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.78 dated 20.02.2019 under Sections 120-B, 302, 342, 34 IPC pertaining to Police Station Sadar, Sonapat.

The facts brought to the notice of the Court are that the present case was got registered on the statement of Dharambir father of deceased Sagar. It is alleged that few days prior to the present occurrence, the deceased had a tiff with the co-accused non-applicant Sagar son of Haripal alias Pilla and the matter was sorted out however, the accused bore a grudge. It is alleged on the day of occurrence i.e. 20.02.2019 while

the deceased was going on a motorbike and on another motorbike he was followed by the complainant father along with cousin of the deceased. It is alleged that the accused Sagar son of Haripal alias Pilla along with the present petitioner Deepak stopped him on the way and started assaulting him with knife and on intervention the accused fled and subsequently the deceased died the same very day.

Learned counsel for the petitioner Mr. Atul Lakhanpal, Senior Advocate assisted by Mr. Arjun Lakhanpal, Advocate inter alia contends that the petitioner is neither named in the FIR nor any specific role has been assigned to him in commission of the offence and is in custody since 23.03.2019. It is submitted that no test identification parade has been got conducted and there is no allegation of any enmity of the petitioner with the deceased.

On behalf of the State, Mr. Baljinder S. Virk, Dy. Advocate General, Haryana has sought to strongly oppose the grant of bail arguing that the knife used for commission of the offence was got recovered from the co-accused along with a blood stained shoe of the accused, submitting further that the trial is underway.

Going through the submissions of the two sides, it is purely a case where the complainant father happens to be an eye-witness of this occurrence and so question of holding TIP pales into insignificance. The learned State counsel emphatically submits that there are multiple stab wounds on the body of the deceased, which are suggestive and lend

credence to the allegations of the prosecution. It is not in any manner displaced that the petitioner accused was accompanying the principal accused, had waylaid the deceased and caused him injuries, are suggestive of the intent of the two accused. In view of the heinousness of the offence and seriousness of allegations and that the witnesses are yet to testify, this Court is not inclined to allow bail to the petitioner which stand declined and the present petition stands dismissed accordingly.

(FATEH DEEP SINGH)
JUDGE

June 3, 2020
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No