

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

CRM M-16958 of 2019 (O&M)

Date of Decision: October 26, 2020

Manish		Petitioner
	Versus	
State of Haryana		 Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Krishan Singh Dadwal, Advocate
for the petitioner.

Mr. Baljinder Virk, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

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

Petitioner Manish has moved this first regular bail application under Section 439 of Cr.P.C. in FIR No. 326 dated 12.03.2017 under Sections 302, 307, 120-B/34 IPC and Section 25 of the Arms Act, 1959 (Sections 325, 419, 420 and 216 IPC added later on) registered at Police Station Sadar Gurugram,

District Gurugram.

The present case was got registered by one Jony Hans. In his complaint, the complainant alleged that on 11.03.2017, around 8.49 p.m., he received mobile phone call of Sanjeet brother-in-law of Kaushal asking him to meet him at flour mill village Naharpur Rupa. Acting on this, the complainant went on his car HR-26-CK-7211 at the place. The complainant was coming out of his car, he saw accused Sanjeet, Chand, Ranbir Saini and Amit Daggar standing. Seeing the complainant, Amit Daggar came and sat on the front seat of the car while accused Chand and Ranbir Saini were standing at the back of the car. It is, thereafter, all these accused brought the complainant to his house and while the complainant asked his mother to prepare tea accused Amit Daggar, Chand and Ranbir Saini took out their weapons and fired a shot at mother of the complainant, namely, Sudesh. While firing upon the complainant and his father Joginder, it is in the melee mother of the complainant suffered bullet injuries while the complainant managed to escape. The mother of the complainant died as a consequence of this assault. The motive behind this occurrence was that while on bail the complainant had stayed at the house of one Manjit Mahal which was objected to by the present petitioner Manish who happens to be the brother of Kaushal, a dreaded hard core gangster of the area. The accused side

suspected that the complainant was passing on information about them to their opponents. It is on the basis of this suspicion a conspiracy is alleged to have been hatched by the present petitioner with his wife, sister-in-law Roshni, father Nand Kishore, mother-in-law and Anil Daggar brother of Amit Daggar and as a consequence to which had killed the mother of the complainant.

Shri Krishan Singh Dadwal, learned counsel for the petitioner has *inter alia* contended that the petitioner has no definite role in the commission of the offence and has been falsely implicated on account being brother of Kaushal accused. The counsel has laid much stress on the fact that it is by virtue of mere suspicion the petitioner's name has cropped up and that he is behind the bars since a long time and prayed for grant of bail.

Mr. Baljinder Virk, DAG, Haryana for the State has made forcible submissions that the petitioner and all the accused are hard core criminals of the area running a gang terrorizing people demanding ransom and putting the people to threat. It is argued that petitioner is facing more than 16 criminal cases of similar nature and if allowed bail there is every likelihood that there may be commission of more crimes in the area.

During the course of submissions and perusal of the

records of the lower Court it clearly elucidates that accused are gangsters who are headed by accused Kaushal and while in judicial custody plan murders, extortion and commit similar crimes to create terror in the area. To hide behind the plea that he is in judicial custody commit crime while in jail, from the record, it is much evident as to role of the accused in the commission of the crime and, therefore, clear indications of gang rivalry between two groups who are out to settle the scores as a mark of upmanship. There is strong apprehension that if allowed bail, there might be mayhem in the area besides upheaval of the society causing insecurity and law and order situation might worsen and, thus, this Court is not inclined to grant bail to the petitioner.

Finding no merits, the application stands dismissed.

October 26, 2020

(FATEH DEEP SINGH)

amit rana

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No