

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-19053 of 2020 (O&M)

Date of Decision: 11.08.2020

Hari Kishan alias Harish alias Vicky

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Anoop Kumar Yadav, Advocate
for the petitioner(s).

Mr. Chetan Sharma, Assistant Advocate
General, Haryana for the respondent.

Mr. Vivek Kathuria, Advocate
for the complainant.

Anil Kshetarpal, J.

The present petition has been filed for grant of regular bail to the petitioner pending trial in a criminal case arising from FIR No. 348 dated 25.10.2019, registered under Section 148, 149, 302 & 506 IPC at Police Station Kanina, District Mahendergarh.

In fact, two FIRs have been registered. One FIR has been registered on the information of Deepak complaining that his brother late Sh. Dayanand has been murdered by the petitioner and other accused. It is claimed in the FIR that the petitioner, who was armed with an axe, had hit late Sh. Dayanand on his neck. The second FIR has been registered on the information of Parkash son of Phool Singh complaining that Lokesh has been murdered by Deepak, Dayanand, Sajjan, Modi and Bittu alias

Dharmender. The approximate time of both the incidents as alleged in both the FIRs is common. The FIR No. 348 dated 25.10.2019 was registered at 10.00 P.M. whereas the FIR No. 350 dated 26.10.2019 was registered at 5.30 P.M.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated, although he was not even present at the time of incident. He further submitted that there is no injury on the neck although, the petitioner is alleged to have given the injury on the neck of deceased- Dayanand. He further submitted that the petitioner is in custody for a period of nine months.

On the other hand, learned counsel appearing for the State, assisted by the learned counsel for the first informant, have submitted that the axe has been recovered from the petitioner. They further submitted that there is an injury on the neck of Dayanand. It is further submitted that on the conclusion of the investigation, the police has already presented the challan.

Learned counsel for the petitioner further submitted that the petitioner is a juvenile. On the other hand, the learned State counsel has informed the Court while referring to the orders passed by the learned Additional Sessions Judge that the petitioner is being tried as an adult in view of the proviso (1) to Section 12 of the Juvenile Justice (Care and Protection of the Children) Act, 2015.

This Court has considered the submissions. In the incident in question, two precious human lives have been lost. As per the case of the prosecution, the petitioner has been attributed to have played an active role in the incident. He is alleged to have been armed with an axe and had hit the

Keeping in view the aforesaid facts, this Court is not inclined to grant regular bail to the petitioner. Hence, dismissed.

(Anil Kshetarpal)
Judge

August 11, 2020
“DK”

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