

**215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-26372-2020
Decided on : 10.09.2020

Sandeep

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ram Niwas Kush, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.33 dated 25.02.2019 registered under Section 302/34 IPC and Section 25 of Arms Act, 1959 at Police Station Sadar Hansi Police District Hansi, District Hisar.

Learned counsel for the petitioner contends that a false case has been foisted upon the petitioner, as initially the police was informed that some unknown person had been inflicted knife blows. However, later on, the FIR in question was registered at the instance of the complainant, wherein, a fabricated version was brought-forth. It has been argued by the learned counsel that there was no motive, much less, any pre-mediation on the part of the petitioner to commit the offence in question nor any specific attribution had been levelled against him in the FIR in question. The knife injuries on the person of the deceased were attributed to the co-accused Bajrang, with whom the petitioner had allegedly come to the spot.

Per contra, learned State counsel on instructions from ASI Mahender Singh has apprised this Court that the petitioner was in fact an

active participant in the occurrence in question. No doubt, no injury has been attributed to him in the occurrence, however, he had caught hold of the deceased when the co-accused gave knife blows to him, which ultimately proved fatal. He has also apprised this Court that the petitioner is a man of criminal antecedents and there are as many as three FIRs registered against him, which are as follows:-

- I. FIR No.843 dated 12.02.2015 U/Ss 457/380 IPC at Police Station City Hansi;
- II. FIR No.19 dated 11.01.2016 U/S 25 of Arms Act at Police Station City Hansi and;
- III. FIR No.694 dated 17.12.2018 U/Ss 148, 149, 323, 325, 506 IPC at Police Station City Hansi.

The learned State counsel has further apprised the Court on instructions that prosecution evidence has not yet commenced and if the petitioner is released on bail, seeing his criminal antecedents, there is every likelihood of he pressurizing and influencing the prosecution witnesses to depose in his favour. Hence, learned State counsel has prayed for dismissal of the instant petition.

Heard.

Though there are no specific attributions against the petitioner of inflicting any injury on the deceased in the FIR in question yet his complicity in the crime in question is prima facie writ large. The fact that the petitioner along with co-accused Bajrang had gone to the spot armed with lethal weapons goes a long way to prima facie reveal that it was a pre-mediated act. Further, when the co-accused was inflicting injuries on the deceased, the petitioner caught hold of him from his arms and thus, incapacitated the

deceased from running away and saving himself from the attack. Further, the case of the learned counsel for the petitioner that he has been falsely implicated in the case in question also stands falsified from the fact that he as per his own admission received injuries in the said occurrence, which goes a long way to establish his presence at the spot at the time of the crime.

In view of the aforementioned, no ground is made out to grant the concession of regular bail to the petitioner. Accordingly, the present petition stands dismissed. However, anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

10.09.2020

sonia

Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No