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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.1407 of 2021 (O&M)

Date of decision: 05.04.2021

Harish Kumar @ Kakku

....Petitioner

Versus

State of U.T., Chandigarh

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vishal Goel, Advocate for the petitioner.

Mr. A.M. Punchhi, P.P., U.T., Chandigarh
and Mr. Anupam Bansal, APP, U.T., Chandigarh.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.140 dated 17.09.2020 registered under Sections 302, 34 IPC at Police Station Maloya, District Chandigarh.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of one Sanju Kumar wherein it is stated that he along with his friend Karan, Vishal and Aashu had gone to a park near the Community Centre where Karan saw someone coming from outside and he went on the other side of the wall and started raising voice and when the complainant and others went there, they found that Gaurav @ Goru, Harsh @ Nati and Raman Chadda were giving beatings to Karan. Gaurav @ Goru was armed with a sharp knife type weapon and one hand of Karan was caught by Harsh @ Nati and the second hand of Karan was caught by Raman Chadda and when the complainant and others raise a voice, then all the said 03 boys ran away from the spot and they noticed that there is a huge cut

CASE HEARD THROUGH VIDEO CONFERENCING

under the neck of Karan and blood was oozing out and thereafter, they took the victim to the GH-16 hospital where he was declared brought dead.

Counsel for the petitioner has further submitted that the petitioner is in custody since 19.09.2020 and he was not named in the FIR and was arrested later on, on the basis of the disclosure statement of the co-accused.

Reply by way of affidavit of the ASP (South), Police Station Sector 34, Chandigarh is on record and as per the reply, during the investigation, it was found that on the disclosure of all the 03 accused persons that the petitioner was also actively involved with them while causing fatal injuries to the victim. It is further stated that after the petitioner was arrested, he was wearing blood-stained clothes, which were taken into police possession and thereafter, sent to CFSL, Sector 36, Chandigarh for examination and as per the CFSL report dated 27.10.2020, the blood of the deceased Karan matched with the blood on the blood stained knife and also the blood stained clothes which the petitioner was wearing when he was apprehended.

After hearing the counsel for the parties and looking into the evidence, which has come against the petitioner, I find no ground to grant the concession of bail.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

05.04.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No