

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

**CRM-M-4877-2021 (O&M)
Date of decision: 16.11.2021**

Aakash

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vivek Khatri, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 324 dated 14.08.2017, registered under Sections 302, 201, 34 of the IPC and Section 25 of the Arms Act, 1959 at Police Station Faridabad Old, District Faridabad.

The first petition, bearing CRM-M-31241-2020, was dismissed as withdrawn on 09.10.2020.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that now the eyewitness/PW-7 Suraj has been examined, therefore, there is no possibility of tampering with the prosecution evidence.

Learned counsel for the petitioner has placed on record the

statement of PW-7 Suraj, who has clearly deposed that on the day of incident, he along with deceased Priyanshu @ Thankus and Amit were going to a fast food restaurant, where they noticed that petitioner Aakash was already sitting there. The petitioner asked Priyanshu @ Thankus to come near to him near the flower shop and when Priyanshu @ Thankus and Amit went near petitioner Aakash, he noticed that petitioner Aakash caught hold of Priyanshu @ Thankus by his collar and started stabbing him with some pointed sharp object like scissors. Amit intervened between them to save Priyanshu @ Thankus but petitioner Aakash also caused injuries to him by stabbing with the said pointed sharp object twice or thrice. In order to save himself, Amit started running towards the vegetable market but Aakash started chasing him and after receiving injuries, Priyanshu @ Thankus and Amit fell down and out of fear, PW-7 Suraj ran away and informed the police later on.

A perusal of the statement of PW-7, who has identified the petitioner as an accused, clearly shows that the petitioner with premeditated mind and with a motive attributed to him caused the injuries to aforesaid both the victims who died.

Learned counsel for the petitioner further submits that as per statement of PW-14 Bhavi Singh, it was a case of free fight as no motive is attributed to petitioner, however, this fact is to be seen during the course of trial.

Mere fact that the petitioner is in long custody is no ground to grant the concession of regular bail to petitioner when both the aforesaid witnesses, PW-7 and PW-14, have supported that he has caused fatal

injuries and has committed the murder of Priyanshu @ Thankus and Amit.

Accordingly, considering the serious allegations against the petitioner, I find no ground to grant him the concession of regular bail.

Dismissed.

16.11.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No