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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35403-2020 (O&M)
Date of decision: 24.08.2021

Mandeep

.....Petitioner.

vs.

State of Haryana

.....Respondent.

(Heard through Video-Conferencing)

CORAM: - HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: - Mr. V.K.Sheoran, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

.....

Manjari Nehru Kaul, J. (ORAL)

Custody certificate has been filed by the State Government in compliance to the order dated 29.07.2021 is taken on record subject to just exceptions.

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No. 372 dated 09.08.2019 under Sections 148, 149, 302, 323, 325, 427 and 506 of the Indian Penal Code registered at Police Station Tosham, District Biwani.

A perusal of the custody certificate reveals that the petitioner is involved in as many as 13 criminal cases for various offences under the Indian Penal Code though he stands acquitted in 04 out of those 13 cases. Custody certificate further reveals that he was also declared a Proclaimed Offender in 02 cases (in one of those cases he had already served out his sentence while in the other, he had been acquitted.)

Learned counsel for the petitioner submits that it is infact a case of vehicular accident which also finds reflected in the MLR of the deceased wherein the doctor had stated that it was said to be a case of roadside accident.

Learned counsel further submits that the deceased on admission in the hospital had made a statement to the said fact before the police that he had sustained those injuries in an accident. He further submits that the delay of about 06 days in lodging of the FIR lends credence to a false case having been planted upon the petitioner.

Per contra, learned State counsel while opposing the submissions and prayer of the learned counsel for the petitioner, submits that the deceased was admitted in the hospital on 03.08.2019 and expired on 09.08.2019 and it was only thereafter the FIR in question was lodged by the father of the deceased wherein the complainant had specifically alleged that some young boys who were allegedly armed with lethal weapons had attacked his son as a result of which he sustained injuries which ultimately led to his death. Learned State counsel further submits that two witnesses i.e., Rambir and Kuldeep who were present with the deceased at that point of time had revealed the occurrence to the father of the deceased and the same finds duly reflected in the FIR in question as well.

Learned State counsel further submits that since the petitioner is a man of criminal antecedents he may not be extended the concession of bail as there is every likelihood that in case he is enlarged on bail, he may not only try to tamper with material evidence and influence the witnesses to depose in his favour but even abscond.

Heard.

In view of the allegations levelled against the petitioner in the FIR in question, no ground is made out to extend the concession of bail to the petitioner.

Dismissed. However, nothing contained herein above shall be construed to be an expression on the merits of the case.

However, keeping in view the fact that the petitioner has been in custody since 16.11.2019, learned trial Court is directed to expedite the trial and conclude the same preferably within eight months from today.

(MANJARI NEHRU KAUL)
JUDGE

24.08.2021

preeti

whether speaking/non speaking

yes/no

whether reportable/non reportable

yes/no