

2024:PHHC:099305



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.102+212

**CRM-30143-2024 in/and
CRM-M-30794-2024 (O&M)
Date of decision : 01.08.2024**

Nitin @ Abay

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. S.S. Bhinder, Advocate, for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

KIRTI SINGH, J. (Oral)CRM-30143-2024

1. This application has been filed for placing on record
FIR (Annexure P1).

2. The application is allowed as prayed for. FIR (Annexure P1) is
taken on record.

CRM-M-30794-2024

3. This petition under Section 438 Cr.P.C. has been filed for grant
of anticipatory bail to the petitioner in FIR No.183 dated 16.09.2023, under
Sections 302 & 120-B IPC, registered at Police Station Canal Colony,
District Bathinda.

4. The brief facts of the case are that the abovesaid FIR was
registered against the petitioner and co-accused Akash @ Bohemia, Ajay @
Raju, Honey @ Kekra, Muneet @ Mani, Manpreet Singh @ Billa, Hani,
Sachin and Abhishek on the basis of statement of complainant-Sohan Lal.

On 15.09.2023 at about 8.30 p.m., accused-Sachin and Abhishek came to the

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house of the complainant and took his son-Akash Kumar with them stating that they were going to celebrate birthday of their friend. The complainant had followed his son-Akash and at about 9.45 p.m., the complainant reached the street No.29-B, Parasram Nagar and at the end of the street near the Shiv Mandir, the complainant saw from the street light could see that the accused Sachin and Abhishek had held both hands of the complainant's son i.e. victim Akash and in the meanwhile 8-9 persons appeared, including accused Akash @ Bohemia armed with a sword, accused-Ajay armed with iron rod, the present petitioner armed with wooden stick and accused-Honey armed with wooden stick, Muneet, Manpreet Singh @ Billa and accused-Honi @ kekra. The accused-Akash @ Bohemia raised a lalkara and gave a sword blow straight on the head of the deceased and he fell down on the ground. Thereafter, all the accused persons inflicted injuries upon the person of the deceased with their respective weapons. Upon raising an alarm by the complainant, the accused persons fled from the place of occurrence with their respective weapons. The complainant took his son-Akash to the Civil Hospital, Bathinda, where the doctors declared his son-Akash brought dead. The motive behind the murder of the complainant's son was that accused-Akash @ Bohemia kept a bad eye on the complainant's daughter-Tammana and the victim-Akash had warned him earlier. It was due to this reason that the present petitioner in connivance with co-accused hatched a conspiracy and murdered the complainant's son. As per the MLR report dated 16.09.2023 of the victim-Akash, the cause of death in the case was failure of function of brain due to intracranial hemorrhages as result of injury No.1.

5. After registration of the FIR in question, the investigation was

carried out by the police and on 16.09.2023, accused Akash @ Bohemia,

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Abhishek, Sachin and Munish @ Mani were arrested and their respective weapons were recovered as per disclosure statement of the aforesaid accused. After completion of investigation, on 15.12.2023 the challan was presented against the aforesaid accused. Similarly, on 21.12.2023, accused-Hani @ Kekra was arrested by the police and after completion of investigation, supplementary challan has been presented against the accused-Honey @ Kekra. The learned trial Court framed charges on 23.05.2024 against the above said accused and now, the case is fixed for 29.08.2024 for prosecution evidence. The accused-Ajay, Hani, Manpreet Singh @ Billa and the present petitioner are on the run but the raids are being conducted to nab them.

6. It has strongly been contended by the learned State counsel that the present petitioner in connivance with co-accused had inflicted injuries on the person of the victim-Akash in order to kill him. Specific role and involvement of the petitioner was witnessed by the complainant. Moreover, the custodial interrogation of the present petitioner is required in order to ascertain the whereabouts of the co-accused and also to recover the weapon used by him during the course of commission of offence.

7. To unearth the true dimensions of the alleged crime, the custodial interrogation of the petitioner in this case is necessary. Therefore, the petitioner does not deserve any concession of grant of anticipatory bail at this stage.

8. In view of the aforementioned facts and circumstances of the case as well as submissions made by the learned State counsel, this Court does not deem it appropriate to interfere in the matter and accordingly, the

present petition is dismissed.

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Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

01.08.2024

Ramandeep Singh

Whether speaking / reasoned Yes/No

Whether Reportable Yes/No