

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-32054-2023
Date of decision : 04.01.2024

Deepak

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. V.K. Gupta, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.307 dated 31.05.2021, registered for the offences under Sections 302/34/449 of IPC (Section 34 of IPC deleted later on) at Police Station City Panipat, District Panipat.

2. As per the allegations levelled in the FIR, it has been alleged as under:-

“I Sumit Kakkar S/o Mr. Surendra Kumar, resident of New Ramesh Nagar, near Laxmi Sweets, Tehsil Camp, Panipat. I have Ration depot in Model Town, Panipat. Today during night of dated 30/31.05.2021, I, Umesh alias Sonu son of Vinod Kumar, Kanhaiya alias Kanu son Ramandeep and Ashu Kumar son Narayan and Thakur Sehgal son Harish Sehgal residents of tehsil camp were talking to each other while sitting at Ashu's house. At the time Deepak son Rajbir Mistry resident of vikas Nagar Panipat came

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to us along with his friends Satnam Singh, Vijay and another boy and as soon as he came, he asked Sonu that why did you come to my house and interfere into my life by telling my wife about my going out at night. Due to this grudge in his mind, Deepak immediately hit Umesh alias Sonu on the left side of the chest with the knife in his hand. Thakur Sehgal caught hold of his hand when he was about to strike again. Due to injury Sonu fell on the ground and Deepak along with his friends ran away from the spot alongwith knife. Taking advantage of darkness Deepak was able to run away with his friends. We immediately took Sonu to the general hospital, Panipat for treatment, where the doctor declared Umesh alias Sonu dead. I request you that legal action should be taken against Deepak above and his associates. Applicant sd/- Sumit xxxx”

3. FIR is based upon eye witness account and it is not disputed that the eye witnesses have supported the prosecution.

4. As per settled law laid down by Apex Court in **Gurbaksh Singh Sibbia vs. State of Punjab, 1980 (2) SCC 565**, reiterated in **Sushila Aggarwal and others Vs. State (NCT of Delhi) and another, 2020 (5) SCC, 1** the Court while considering the prayer for bail, the role attributed to the applicant are the primary considerations.

5. FIR is based upon eye witness account. As per contents of the FIR, present petitioner has been attributed the stab injury on the body of deceased which ultimately proved to be fatal and resulted in loss of life.

6. When present case is viewed from the prism of afore-stated considerations, this Court finds that there is nothing on record to show that the allegations levelled against the petitioners are motivated.
7. Keeping in view the seriousness of the allegations against the petitioner and the fact that role attributed to the petitioner which is based upon documentary evidence can have a far reaching effect and can call for collapse of whole of the system this Court does not find any reason to grant discretionary relief of anticipatory bail to the petitioner.
8. Consequently, the present petition is dismissed.

(PANKAJ JAIN)
JUDGE

04.01.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No