



CRM-M-36930-2024

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

310

CRM-M-36930-2024

Date of decision: 12th December, 2024

Sachin @ Baba

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sunil Goswami, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 70 dated 08.04.2019 registered under Sections 148, 149, 323, 302, 201 and 120-B of IPC (Section 201 and 120-B were added later on) at Police Station Uchana, District Jind, Haryana.

2. Adumbrated facts as emanating from the record are that the aforementioned FIR was registered on the basis of complaint lodged by the complainant Surinder, on the allegations that on 08.04.2019, he along with his nephew Mohit was going to Guru Dronacharya Public School, Jind on a motor bike as Mohit had to appear in examination of 10+2 class. On the way, 6-7 youths riding on three bikes had started following them, some of them were known to the complainant. They tried to stop them and to open an attack upon Mohit with a knife. Feeling scared, the complainant accelerated



the speed of bike but lost control of the same in front of old bus-stand Uchana and fell on the road. Then, those youths opened an attack upon Mohit by giving him fist blows and slaps and striking blows with knives. The complainant tried to save Mohit but he too sustained injuries at their hands. On gathering of public persons at the spot, the assailants fled away with their respective vehicles. The injured Mohit was rushed to hospital but succumbed to the injuries. The complainant disclosed the names of some of the assailants Dinesh, Batista, Ravi Khati, Sunny, Mali @ Khataria and CCL 'R' (juvenile). After registration of FIR, investigation proceedings were initiated. The complainant in his supplementary statement also took the name of the present petitioner. Some of the persons named by him were found to be innocent. Offence under Section 120-B of IPC was added. Four co-accused were arrested. After completion of investigation, challan was presented against co-accused Sahil and Vikas. The petitioner could not be arrested. Proceedings under Section 82 of Cr.P.C. were initiated against him and he was declared proclaimed person vide order dated 05.09.2022. He was arrested on 25.04.2023. Investigation qua him was completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He had not been named in the FIR. The co-accused who had been named, have since been acquitted. He is in custody since 25.04.2023. PW-4 Sandeep has not supported the prosecution version. Complainant already stands examined. Trial is likely to take time. His further detention would not serve any useful purpose. He is in custody since long. Therefore, it is urged that he deserves to be released on bail.

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4. Status report has been filed by the respondent-AAG, Haryana. It is argued by learned AAG, Haryana that there are serious allegations against the petitioner. Though he was not named in the FIR but during the course of investigation, his complicity in the conspiracy to commit murder of the victim had been established. He was also one of the assailants. He had also demarcated the place, where he had thrown the knife used at the time of occurrence. The complainant Surinder has supported the prosecution version in his sworn testimony. There are chances of petitioner's absconding, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned AAG, Haryana at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have hatched a conspiracy and is then alleged to have formed an unlawful assembly and in pursuance of the conspiracy/prosecution of common object of the unlawful assembly with the co-accused is alleged to have followed the victim Mohit on 08.04.2019, while he was going to appear in his 10+2 examination along with the complainant. The complainant in his sworn testimony has duly identified the petitioner as one of the assailants of Mohit. Merely because of the fact that he was not named in the FIR, it cannot be said that he has been falsely implicated in this case as he has been subsequently named and identified by the complainant. Even in his sworn deposition, the complainant has deposed that the petitioner had struck blows with knife on the neck of the victim.



There are serious allegations against the petitioner. He had been absconding for a long time and was apprehended only on 25.04.2023. The apprehension that he may abscond again, cannot be stated to be unfounded. In view of the facts and circumstances as enumerated above, I am inclined to hold that the petitioner does not deserve to be extended benefit of bail. Accordingly, the petition is dismissed.

7. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

12th December, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |