

S. B. CR. MI SC. BAIL APPLICATION NO. 7053/2008
MOHAR SINGH VS. STATE OF RAJ.

24. 10. 2008

HON' BLE MR. JUSTICE MAHESH BHAGWATI

Mr. BM Sharma, for the petitioner.
Mr. RP Kuldeep, Public Prosecutor for the State.

This order governs the disposal of bail application filed under Section 439 of Cr.P.C by Shri BM Sharma, Advocate on behalf of the applicant Mohar Singh pertaining to F.I.R. No. 194/2008 of Police Station Bayana, District Bharatpur, in the offences under Sections 399, 402, 307 of IPC and 3/25 Arms Act.

Heard the learned counsel for the petitioners as also the learned Public Prosecutor for the State and perused the material on record.

The learned counsel for the petitioner has contended that he has been falsely implicated and is in no way connected with the offence of the instant case. The co-accused Deshraj has already been enlarged on bail by the Coordinate Bench and the case of the petitioner is like that of him, as such, he may also be released on bail.

The learned Public Prosecutor has vehemently opposed the bail petition on this ground that the petitioner is a dreaded decoit and was nabbed at the time when making preparations for committing decoity. When the police endeavoured to caught hold of him, he opened fire at the police. He is a wanted accused and carrying an award of Rs. 2,000/- over his head. It is wrong to say that the case of the petitioner is like that of co-accused Deshraj, hence his bail petition may be dismissed.

Having considered the submissions made at the bar and perused the relevant material on record, without expressing on the merits of the case but keeping in view the facts and circumstances, I do not feel it proper to grant bail to the petitioner.

In the result, the bail petition filed on behalf of the accused petitioner under Section 439 of Cr.P.C. stands dismissed.

(MAHESH BHAGWATI)J.

PCG