

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

CRM-M-11134 of 2015
Date of decision:12.8.2015

Pargat Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. G.S. Bhatia, Advocate for the petitioner.
Mr. Shilesh Gupta, Addl. Advocate General, Punjab.
Mr. T.P.S. Makkar, Advocate for the complainant.

Rajan Gupta, J.

This is a petition under Section 439 Cr.P.C. seeking regular bail in a case registered against the petitioner under Sections 148, 302, 307, 149 IPC at Police Station Moonak, District Sangrur, vide FIR No.105 dated 11.8.2014.

Learned counsel for the petitioner submits that petitioner has nothing to do with the alleged offences and he has been implicated falsely in the present case. His name does not figure in the FIR and no injury has been attributed to him. He further submits that petitioner is in custody for about one year and trial may take long time to conclude. No useful purpose will be served by detaining the petitioner during said period.

Learned State counsel as well as learned counsel for the complainant have opposed the prayer. According to them, petitioner was

armed with Kirpan and raised a Lalkara. He is, thus, not entitled to concession of bail.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR was lodged on complaint of Narinder Pal Singh. He stated that on 28.7.2010, his uncle Nahar Singh, Nirmal Singh, Hakam Singh and others were implicated falsely in a case regarding murder of Jaswinder Singh son of Ajaib Singh. Nahar Singh, Nirmal Singh and Hakam Singh were convicted on 10.2.2012. They were granted bail by the High Court. The heirs of deceased Jaswinder Singh were nourishing a grudge against them. On the fateful day, he was going to Moonak from Tohana on a motor cycle and Lal Singh son of Niranjana Singh was sitting behind him. Nahar Singh and Nirmal Singh were also going with them on another motor cycle. When they crossed '*Hadda Rori*' in the area of Moonak, a Bolero vehicle being driven by Jagsir Singh came from behind and Kala, Jaswinder Singh and five other persons were sitting therein. Kala Singh raised *Lalkara* that they would take revenge of murder of Jaswinder Singh. Jagsir Singh hit motorcycle of Nirmal Singh, as a result of which he and Nahar Singh fell down by the side of the road and suffered injuries. Vehicle of Jagsir Singh dragged Nirmal Singh at the same speed upto a distance of 3/4 kilometers and thereafter it stopped. Complainant followed that vehicle on his motor cycle. All accused came out of the vehicle armed with naked swords. They were raising *Lalkara* and threw body of Nirmal Singh from underneath the vehicle on the road and fled from there. Lal Singh son of Niranjana Singh in his statement

under section 161 Cr.P.C. has specifically alleged participation of the petitioner in the alleged crime.

Keeping in view serious nature of the allegations, I am of the considered view that petitioner is not entitled to bail. The petition is devoid of merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

12.8.2015
'Rajpal'