

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

CRM-M-14361 of 2015

Date of Decision: December 01, 2015

Sucha Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vikram Chaudhary, Senior Advocate
with Ms. Isha Goyal, Advocate
for the petitioner.

Mr. J.S. Brar, AAG, Punjab.

Mr. Ashok Giri, Advocate
for the complainant.

FATEH DEEP SINGH, J.

The allegations against the petitioner-Sucha Singh in this second regular bail application are that on 11.11.2013 around 12 hours while complainant Baldev Singh along with his nephew Satnam Singh @ Sattu (now deceased) were cutting kaahi in the area of Police Station Bilga, accused petitioner-Sucha Singh armed with *datar* along with co-accused Sippi, Harwinder @ Jona, Laddu, Baba Karnail, Saabi and Jarnail along with 8-10 other unidentified persons armed with deadly weapons like *datar*, *dang*, *sota* assaulted them causing injuries to both the deceased as well as complainant. The petitioner is attributed a *datar* blow on the left side of the nose of the deceased leading to his death.

Learned Senior counsel for the petitioner submits

that the petitioner has not been named in the FIR and there is no specific role attributed to him leading to the death of the deceased and that in the supplementary challan submitted in terms of Section 173(8) Cr.P.C. the petitioner has been found innocent and subsequently summoned in exercise of power under Section 193 Cr.P.C. and that the similarly placed co-accused have already been allowed bail by this Court and that the petitioner is in custody since 12.11.2013.

The submissions of the learned counsel for the petitioner are stoutly refuted by the learned State counsel on the grounds that a specific role has been attributed to the petitioner and that if allowed bail, the petitioner would influence the eye-witnesses and subvert the trial and the heinousness of the offence does not calls for grant of bail.

Appreciating the submissions of the two sides, without feeling necessity to advert anything on the merits of the case, prima facie allegations and the manner of the occurrence of the offence, wherein, the petitioner has also been attributed a specific role and that his earlier bail application stood declined and that no fresh ground apparently is made out together with the fact that the apprehension of the prosecution that if allowed bail the petitioner would influence the eye-witnesses is not unfounded and the heinousness of the crime impels this Court to dismiss the bail application of the petitioner.

Ordered accordingly.

(FATEH DEEP SINGH)
JUDGE

December 01, 2015
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