

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. 15144 of 2015

Date of decision : July 02, 2015

Birbal Singh @ Gandhi

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Vivek Goel, Advocate, for the petitioner
Mr. J.S.Brar, AAG Punjab

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Birbal Singh @ Gandhi in this regular bail application are that on account of matrimonial dispute between injured-complainant and her husband who is residing abroad had engaged some persons consisting of the present petitioner along with others to cause death of the complainant. He was armed with 12 bore country made pistol and had fired at the complainant and the fire has hit over the chin of the injured-complainant.

The contentions of the counsel for the petitioner Sh. Vivek Goel are that co-accused Tota Singh has been allowed bail by Coordinate Bench vide order Annexure P/1 and that at present the trial has been stayed

by this Court which arguments have been controverted on behalf of the State arguing that the case of the present petitioner is distinguishable from that of his co-accused Tota Singh and that it is contentious over wrong exercise of powers under section 319 Cr.P.C. by the trial court which has led to filing of revision and judicial order of stay has been passed.

Appreciating these averments, in view of the specific role attributed to the petitioner and the nature and seat of the injury and the fact that the entire prosecution evidence has been recorded and the case of the present petitioner is distinguishable from that of co-accused Tara Singh, no ground for bail is made out.

Dismissed.

July 02, 2015
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(Fateh Deep Singh)
Judge