

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

CRM-M-25930 of 2015
Date of Decision: December 01, 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.

The allegations against the petitioner Birbal Singh @ Gandhi in this second regular bail application are that complainant Harpreet Kaur underwent love marriage with one Gurajeet Singh, resident of Canada against the wishes of the family and subsequently it transpired that said Gurajeet Singh had contracted another marriage in Canada, as a consequence of which, the husband has been dilly dallying the matter for migration of the complainant. The husband, thereafter, insisted on getting a divorce from the complainant and as consequence of which he and his relatives started threatening the complainant. On 27.2.2012 around 23-30 hours the complainant was going from her school in Innova car from village Raunta to village Manuke, when around 3.15 p.m. her vehicle was blocked by black colour motorcycle which was parked in the middle of the road by

the two young men armed with pistols. On seeing these persons, the driver of the car tried to reverse the vehicle and thereafter both the assailants opened the door of the vehicle and threatened the complainant that they would teach her a lesson for not giving divorce to Gurajeet Singh at which one of the youth fired from his pistol hitting the complainant below the chin under the nose. The other youth fired from his weapon hitting on the right leg of the complainant, who raised *raula* and, thereafter, both of them ran away from the spot. The complainant suspected role of her husband Gurajeet Singh and his relatives Ajaib Singh, Gurdeep Singh and Darshan Singh by hiring assassins to eliminate her leading to arrest of the petitioner.

Learned counsel for the petitioner has argued that the petitioner is in custody for more than four years and three months and that the petitioner has not been named in the FIR and the similarly placed co-accused has been allowed bail.

The contentions of the counsel for the petitioner are stoutly opposed on behalf of the State arguing that there is an eye-witness account by the complainant who has identified the assailants and as such their identity cannot be put to question and that if allowed bail the petitioner would influence the witnesses and has sought dismissal of the bail.

Going through the submissions, the injured complainant has well elaborated the motive for this attempt on her life whereby, the assailants have been identified by her and even her testimony before the Court testified so. The life threatening repeated injuries caused to her by means of firearms on the vital areas and the enormosity of the offence with its heinousness and

that there being no fresh ground made for reconsideration of the bail. The allegations against the petitioner and the apprehension of the State that if allowed bail the petitioner would influence the witnesses deters this Court to allow the bail application.

Dismissed.

(FATEH DEEP SINGH)
JUDGE

December 01, 2015
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