

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-26750-2015 (O & M)
Date of decision:21.08.2015

Baljinder Singh @ Gogi

...Petitioner(s)

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Rajesh Garg, Sr. Advocate,
with Mr. Rakesh Dhiman, Advocate,
for the petitioner.

Ms. Rajni Gupta, Addl.A.G., Punjab.

Mr. Sunil Chadha, Sr. Advocate,
with Mr. Rahul Bhargav, Advocate, for the complainant.

Rajan Gupta, J. (oral)

This is a petition under Section 439 Cr.P.C. seeking regular bail to petitioner in a case registered against him vide FIR No.122 dated 10.06.2012 under Sections 302, 307, 420, 467, 468, 471, 148, 149, 506, 427 IPC and Sections 25, 54, 59 of Arms Act, at Police Station Salem Tabri, District Ludhiana.

Learned Senior counsel for petitioner has argued that only role attributed to the petitioner is that he dragged the deceased out of the car while a single shot was fired by Karanvir. According to him, petitioner has been incarcerated for last about two years and trial has not made much headway due to pendency of various applications. He has also referred to orders Annexures P-1 and P-2 and sought parity with other accused who have already been granted concession of bail.

Learned State counsel has opposed the prayer for bail.

According to her, petitioner has no parity with the other accused. He actively participated in the crime.

Learned counsel for the complainant has also opposed the prayer. According to him, even bail application of another co-accused namely Davinder Singh @ Gogi was dismissed as recently as on May 28, 2015.

I have heard learned counsel for the parties. The incident occurred on June 10, 2012. According to prosecution story, complainant side was stopped by two vehicles while they were travelling on the road to Bahadarke village. They were accosted by the accused who were armed with weapons. Due to narrow road, vehicle in which complainant was travelling was stopped. At that time, one of the accused namely Vicky Sekhon gave a baseball blow on the window of the car and other co-accused Gurdev Singh @ Debu stated that deceased-Bunty would not be allowed to go scot free. Another accused namely Davinder Singh @ Gogi fired a shot from the weapon in his hand and also exhorted other accused to commit the crime. Thereafter, accused Karanvir and Baljinder Singh @ Gogi dragged the deceased namely Bunty out of the car and Karanvir fired a shot from his pistol. Bunty immediately fell down and died.

In view of the gravity of the crime committed, punishment it would entail in case of conviction, I am not inclined to enlarge the petitioner on bail. The plea of the petitioner that he is on parity with other accused namely Guriqbal @ Vicky Sekhon and Boota Singh is misplaced. Admittedly name of Boota Singh did not figure in the FIR.

Only during investigation, it transpired that he had also fired a short.
As regards Guriqbal Singh @ Vicky Sekhon, he was summoned in
exercise of power under Section 319 Cr.P.C.

The petition is, thus, without any merit and is hereby
dismissed.

21.08.2015
sukhpreet

(RAJAN GUPTA)
JUDGE