

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

(209)

CRM-M-17218-2016

Decided on: October 24, 2016.

Kulbir Singh alias Nikka

.... Petitioner

Versus

State of Haryana

..... Respondent

(2)

CRM-M-32717-2016 (O&M)

Decided on: October 24, 2016.

Gurbaaz Singh @ Baaz @ Jitender Singh

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate, with
Mr. Pratham Sethi, Advocate,
for the petitioner in CRM-M-17218-2016.

Mr. R.S. Rai, Sr. Advocate, with
Mr. Karan Pathak, Advocate,
for the petitioner in CRM-M-32717-2016.

Mr. Gurdas Singh Salwara, DAG, Haryana.

Mr. G.S. Sidhu, Advocate, for the complainant.

M.M.S. BEDI, J (ORAL)

This order will dispose of two applications for grant of regular bail, one (CRM-M-17218-2016) filed by Kulbir Singh @ Nikka and the other (CRM-M-32717-2016) filed by Gurbaaz Singh @ Baaz @ Jitender Singh.

The FIR was registered at the instance of Jasveer Singh @ Seera alleging that he along with his father was traveling on motorcycle on 11.11.2015 towards their house, when they were waylaid by the occupants of a Bolero car from which Kulbir Singh @ Nikka along with 7 others accused alighted, armed with lathis and dandas, and gave beating to the father of the complainant. The complainant ran away out of fear and when he came back on the spot along with his family members, his father Karam Singh @ Ganga told him that Kulbir Singh @ Nikka and others had given him beatings with lathis and dandas. Karam Singh @ Ganga died on account of the injuries.

It is alleged that the deceased had told the complainant that the petitioner caught hold of his arms and legs whereas co-accused Phola Singh had put some liquid in his mouth.

So far as petitioner Kulbir Singh @ Nikka is concerned, Mr. Anmot Rattan Sidhu, Sr. Advocate, for petitioner Kulbir Singh @ Nikka, submits that there is no specific injury attributed to him and only a danda has allegedly been recovered from him. He has further submitted that petitioner Kulbir Singh @ Nikka has been falsely implicated and that from the very beginning the complainant has been misbelieved by the prosecution agency as out of 8 named accused, five were found innocent. Subsequently, more accused were added.

So far as petitioner Gurbaaz Singh @ Baaz @ Jitender Singh is concerned, Mr. R.S. Rai, Sr. Advocate for petitioner Gurbaaz Singh @ Baaz @ Jitender Singh, submits that he was not named in the FIR. He was

involved in the case on the basis of disclosure statement of co-accused Phola Singh.

Learned State counsel has argued that confessional statement was made by co-accused of the petitioner Phola Singh before Avtar Singh to the effect that the petitioner was also present.

I have heard learned counsel for the petitioners, learned State counsel as well as learned counsel for the complainant.

So far as petitioner Gurbaaz Singh @ Baaz @ Jitender Singh is concerned, he was not originally named by the complainant. The most material witness, complainant Jasveer Singh @ Seera has been examined and cross-examined partly. In his cross-examination conducted on behalf of petitioner Gurbaaz Singh @ Baaz @ Jitender Singh, he has admitted that petitioner Gurbaaz Singh @ Baaz @ Jitender Singh was not present at the time of occurrence and that he had been challaned falsely by the police.

Petitioner Gurbaaz Singh @ Baaz @ Jitender Singh has been in custody w.e.f. 09.03.2016.

Taking into consideration the period of detention suffered by petitioner Gurbaaz Singh @ Baaz @ Jitender Singh, he can be granted the concession of bail.

Petition of petitioner Gurbaaz Singh @ Baaz @ Jitender Singh (CRM-M-32717-2016), is allowed. He is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

So far as petitioner Kulbir Singh @ Nikka is concerned, he was named from the very beginning. No doubt, he is not attributed any specific

injury but his involvement has been found during course of investigation while considering the other accused as innocent by the investigating agency. There are 10 injuries on the person of deceased.

Learned counsel for the petitioner Kulbir Singh @ Nikka has submitted that there are glaring contradictions and improvements made by the prosecution. He has also argued that co-accused of the petitioner who were arrayed subsequently, have been granted bail. The petitioner, however, cannot claim parity with the accused who were summoned subsequently.

It will not be appropriate to enter into the niceties of the trial to determine the culpability of petitioner Kulbir Singh @ Nikka at this stage.

Petition of petitioner Kulbir Singh @ Nikka (CRM-M-17218-2016) is dismissed.

(M.M.S. BEDI)
JUDGE

October 24, 2016
harsha

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No