

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-22959 of 2016

Date of Decision: October 5, 2016

Shiv Lal @ Sholly

.....Petitioner

Vs.

State of Punjab

.....Respondent

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

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Present:- Mr.R.S. Rai, Sr. Advocate with
Mr. Deepinder Brar, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

Mr. Anupam Gupta, Sr. Advocate with
Mr. S.P.S. Tinna, Advocate for the complainant.

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M.M.S. BEDI, J.

Petitioner seeks the concession of regular bail in case FIR No. 120 dated December 12, 2015 under Sections 302, 307, 326, 148, 149, 120 B IPC at Police Station Bahav Wala, District Fazilka, registered on the basis of statement of Ranjit Singh @ Rana alleging that his brother Bhim Tank and Gurjant Singh were inflicted injuries in the farm house of the petitioner by Harpreet Singh @ Harry, Raja, Wazir Singh, Radhe Sham @ Radhia, Devinder, Gulabia, Davinder @ Pari, Vicky Pandit, Simran, Chhaju and

Happy Thakur besides 6/7 other persons. The hands and wrist of Bhim Tank were chopped off. Similar injuries were given on the hands and wrist of Gurjant Singh.

So far as petitioner is concerned, he was admittedly not present on the spot. He has been involved in the case on the allegation of having conspired with other accused.

With the assistance of State counsel and counsel for the complainant, I have gone through the material which has been gathered by the prosecution agency in the shape of statements of Gurjant Singh, Ajay Kumar, Ranjit Singh, Akash, Jaspal Singh and Kaushalya who have stated that the incident has taken place in conspiracy and connivance of the petitioner.

Counsel for the petitioner has referred to the statement of each of the witnesses under Section 161 Cr.P.C. to urge that all the statements are manipulated and have been recorded after a gap of 9/10 days and are absolutely improbable. The witnesses are not only interested witnesses but are inimical towards the petitioner.

Counsel for the complainant and State counsel relied upon call details of accused Harry and Amit Doda to submit that the petitioner was in constant touch with the other accused.

Counsel for the complainant has submitted that on account of the influence of the petitioner there is likelihood of tampering with the evidence.

Without expression of any opinion on merits of the case and without entering into the niceties of the trial, I am of the opinion that it will

be premature to grant the concession of bail to the petitioner as chances of tampering with the evidence are not ruled out at this stage.

Dismissed at this stage.

October 5, 2016
sanjay

(M.M.S.BEDI)
JUDGE

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