

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

**Criminal Misc. No.M-28134 of 2016 (O&M)
Date of Decision: 08.11.2016**

Satnam Singh @ Sonu

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Aakash Singla, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J.

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.32 dated 10.9.2012 under Sections 302, 120-B, 148, 149 IPC and Section 25 of the Arms Act registered at Police Station Thuliwal, District Barnala.

Learned counsel for the petitioner has argued that the petitioner is innocent and has been falsely implicated in the present case. He has submitted that even in the FIR, the overt act of giving fire shot has not been attributed to the petitioner, rather the same has been attributed to Manpreet, whereas Gandhi Singh has been attributed the baseball blow. He further submitted that the police has submitted challan on 30.11.2002 (Annexure P-2), wherein only Gandhi Singh and Kuldeep Singh were found to be accused, who have already been arrested, whereas the other accused Manpreet, Kala Pradhaan and Vishesh could not be arrested,

therefore, investigation against them has been kept in progress. Thus, the name of the petitioner does not figure in the same. In the supplementary challan dated 2.3.2013, (Annexure P-3), though the petitioner has been kept in the column of accused, but neither his statement under Section 161 CrPC has been recorded nor any other lawful material or evidence has attributed any role to the petitioner. Thus, the petitioner has been falsely implicated.

On the other hand, learned State counsel has filed custody certificate of the petitioner as well as translated copy of Police Zimni No.23 dated 12.12.2012, Police Station Thuliwal, which are taken on record.

I have heard learned counsel for the parties.

A perusal of the police zimni shows that the accused Veshesh Kumar has stated that the petitioner was involved in the case, as he was holding a .315 bore Gatta and has fired at Tippar Chand, which hit his shoulder. Thus, taking into consideration the nature of offence committed by the petitioner, this Court finds that the petitioner does not deserve to be released on bail, as there are specific allegations against him for commission of murder of Tippar Chand.

Accordingly, the present petition is dismissed.

However, it is made clear that observations made hereinabove shall not be construed as any expression on the merits of the case.

November 08, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No