

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-32827 of 2015

Date of Decision: March 21, 2016

Malkiat Singh @ Fauji

.....Petitioner

Vs.

State of Punjab

.....Respondent

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

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Present:- Mr.R.K. Gupta, Advocate
for the petitioner.

Mr. Jashanpreet Singh, AAG, Punjab.

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M.M.S. BEDI, J.

Petitioner seeks the concession of regular bail in a case registered at the instance of Sukhwinder Singh alleging that petitioner alongwith other co-accused had attacked his father Gurmail Singh, uncle Karam Singh and one Hardeep Singh armed with deadly weapons and fired shots at them causing death of above said two persons. The petitioner was allegedly armed with .315 bore fire arms and shot at Karam Singh hitting him on the right side of his thigh.

Petitioner claims that he was declared innocent during the course of investigation as per the statement of Mangal Ram, gunman of deceased and Hardeep Singh, injured but at the instance of complainant he has been summoned under Section 319 Cr.P.C.

Counsel for the petitioner has submitted that the main accused in the present case is Gurjant Singh and that dual version has already occurred.

I have heard learned counsel for the petitioner. Generally a person who is declared innocent and is summoned subsequently under Section 319 Cr.P.C. is granted relief of bail but in the present case, it is a case of double murder where even fire arm injury has been attributed to the petitioner. The report of the investigating agency cannot have an over-riding effect over the testimony of the eye witness at this stage.

Finding no ground to grant the concession of bail to the petitioner, the petition is dismissed at this stage with liberty to the petitioner to approach this Court again after some more evidence is produced on the record.

March 21, 2016
sanjay

(M.M.S.BEDI)
JUDGE