

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

CRM-M-38559-2016 (O&M)

Date of decision: 15.11.2016

Jagtar Singh

.....Petitioner.

Versus

State of Punjab

.....Respondent.

CORAM: - HON'BLE MR. JUSTICE RAJAN GUPTA.

Present: - Mr. A.K.Walia, Advocate for petitioner.

Mr. V. Ramswaroop, Addl. AG, Punjab

Rajan Gupta, J.

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This is a petition under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No. 19 dated 16.4.2015 registered under Sections 302, 307, 341, 427, 148, 149 34 of IPC and Sections 25, 27, 54, 59 of Arms Act at Police Station Jhunir, District Mansa.

Admittedly, the deceased and her husband filed a petition before this court seeking protection as they had contracted marriage against the wishes of their parents. They submitted that there was threat to their life and liberty. This court in ***CRM-M 34257-2014, Simarjit Kaur and another vs. State of Punjab and others*** granted protection to the couple on 1.10.2014.

The petitioner earlier moved bail application (CRM-M-8297-2016) stating that co-accused namely, Sukhwinder Singh @ Kala had been granted the concession of bail. Today, he submits that another co-accused namely Falel Singh has been enlarged on bail in CRM-M-42-2016 on 4.10.2016.

While dismissing CRM-M-8297-2016, this court observed as follows: -

I am of the considered view that in view of nature of allegations, the petitioner is not entitled to concession of bail. During investigation, it was revealed that he was driving the vehicle which hit the motorcycle being driven by complainant. Due to this, complainant and his wife had fallen down, where after she was murdered. Petitioner cannot be granted concession of bail merely on the basis of examination-in-chief of complainant Gurpyar Singh. On the other hand, his statement reveals that he had maintained the stand that the car had struck the motorcycle, due to which he and his wife had fallen down, where after she was killed. The petition is without any merit and is hereby dismissed.

I do not find any change in the circumstance to grant of concession of bail.

On 16.4.2015, complainant and his wife were proceeding to Sardulgarh after attending their duties. At about 7.45 a.m., they reached near Gill petrol pump. At that time, a car hit the motorcycle from behind. Thereafter, Makhan Singh fired number of shots at deceased-Simarjit Kaur and other accused caused injuries on the person of the complainant.

Keeping in view the magnitude of the crime and punishment that would entail in the event of conviction, I do not find it is a fit case for grant of bail to the petitioner. In my considered view, no case is made out to release the petitioner on parity with other accused. Besides, State counsel has apprised the court that certain

other co-accused were summoned in exercise of powers under
Section 319 Cr. PC.

Petition is without any merit and is hereby dismissed.

15.11.2016
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(RAJAN GUPTA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>