

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-38711 of 2016

Date of Decision: December 21, 2016

Kulwant Singh

.....Petitioner

Vs.

CBI, Chandigarh

.....Respondents

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

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Present:- Mr. P.S. Hundal, Sr. Advocate with
Mr. Dinesh Trehan, Advocate
for the petitioner.

Mr. Sumeet Goel, Standing Court for CBI.

Mr. C.S. Bakshi, Advocate
for the complainant.

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M.M.S. BEDI, J.

This is 8th petition of the petitioner for grant of regular bail. Last petition was dismissed on May 10, 2016 taking into consideration the factor of delay and the existence of cross-version and the plea of self-defence raised by the petitioner. Petitioner is alleged to have, armed with 12 bore rifle along with the other members of unlawful assembly, attacked Rattan Singh. He is attributed the role of having fired at complainant

Harjinder Singh and Rattan Singh. Gun shot fired by the petitioner is alleged to have hit the deceased on the head.

Except for the change of counsel, I do not find any fresh circumstances to be considered for granting bail to the petitioner.

Counsel for the petitioner has drawn attention of this Court to certain basic principles of grant of bail which have been laid down in **Sidharth Vashisth @ Manu Sharma Vs. State of Delhi**, 2004 CrI. LJ 684 and followed in subsequent judgments. The principles for grant/ refusal of the bail under Section 438 Cr.P.C. laid down in the above said judgment is reproduced as under:-

“17. In nutshell, the following principles emerge for grant or refusal of bail under Section 437, Cr.P.C.

- (i) Bail should not be refused unless the crime charged is of the highest magnitude and the punishment of it assigned by law is of extreme severity;
- (ii) Bail should be refused when the Court may reasonably presume, some evidence warranting that no amount of bail would secure the presence of the convict at the stage of judgment;
- (iii) Bail should be refused if the course of justice would be thwarted by the person who seeks the

benignant jurisdiction of the Court to be freed for the time being;

- (iv) Bail should be refused if there is likelihood of the applicant interfering with witnesses for the prosecution or otherwise polluting the process of justice; and
- (v) Bail should be refused if the antecedents of a man who is applying for bail show a bad record, particularly a record which suggests that he is likely to commit serious offences while on bail.”

There is no dispute regarding the principles of grant/ refusal of regular bail taking into consideration the role of the petitioner which has been considered in earlier orders also and taking into consideration the other circumstances, I do not find any fresh ground to grant the concession of bail to the petitioner.

The petition is dismissed.

December 21, 2016
sanjay

(M.M.S.BEDI)
JUDGE

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