

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

CRM No.M-37925 of 2015 (O&M)

Date of decision: 11.07.2016

Balwinder Singh @ Bhinda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Ms. Isha Goyal, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

Jitendra Chauhan, J. (Oral)

This petition under Section 439 of the Code of Criminal Procedure is for grant of regular bail in case FIR No.38 dated 25.02.2015, registered under Sections 302, 307, 326, 506, 323, 324, 212, 216, 148 read with Section 149 IPC, at Police Station Gate Hakima, District Amritsar City.

It is contended that no incriminating evidence was collected against the petitioner during investigation. She refers to the statement of Kirpal Singh, PW-4 who has stated that petitioner did not cause any injury to the deceased. She further states that the supplementary challan has been filed whereby the petitioner was declared innocent.

On the other hand, the learned State counsel opposes the bail application and states that the petitioner played an active role in the commission of crime. He was armed with kirpan at the time of occurrence.

Heard.

From the testimony of Kirpal Singh, the presence of the petitioner is made out. The effect of his testimony shall be seen by the trial Court at an appropriate stage. Considering the fact that the petitioner is named in the FIR and his presence and active participation is established, therefore, the Court feels that no case for bail is made out.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

11.07.2016

sumit.k

(JITENDRA CHAUHAN)
JUDGE