

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

CRM-M-45087 of 2016 (O&M)

Date of decision: 23.12.2016

Ghulla Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN**

Present: Mr. Ravish Bansal, Advocate for the petitioner.

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

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**Jitendra Chauhan, J. (Oral)**

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No.186 dated 18.10.2015, registered under Sections 302, 307, 326, 324, 323, 148 read with Section 149 of IPC and Section 27 of Arms Act, at Police Station Sadar Patiala, District Patiala.

It is contended that the petitioner is not named in the FIR, however, he has been subsequently named in the statement of eye witness, Karam Chand. The similarly situated co-accused, Sampuran Singh, Sukhwinder @ Bhund, Shinder Singh, Sukhdev Singh and Balbir Singh have already been enlarged on bail by this Court. The petitioner is in custody since 23.10.2015.

On the other hand, the learned State counsel opposes the bail application.

Heard.

This is to be noticed that in the incident one person, namely Daljit Singh was killed whereas other person Raghbir Singh was seriously injured. As per the case of the prosecution, the petitioner fired in air, therefore, his presence at the spot and active participation is prima facie made out. Therefore, no case for regular bail is made out.

Dismissed.

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

As per record, in the FIR, accused Gurmail Singh son of Kartar Singh, Lajja Ram, Labh Singh son of Kura Ram, Sukhdev Singh son of Hakam Singh and Surjit Singh were nominated as main accused whereas after the investigation, they have been declared innocent by the police. There is no delay in lodging the FIR. It appears that the investigation in the matter has not been carried out in a fair manner.

In the circumstances, the Senior Superintendent of Police, Patiala is directed to file his response in the light of observations made by this Court.

List again on 14.02.2017.

23.12.2016

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**(JITENDRA CHAUHAN)**  
**JUDGE**

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|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |