

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-8297 of 2016

Date of decision: April 07, 2016

Jagtar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. G.S. Brar, Advocate for the petitioner.

Mr. Shilesh Gupta, Addl. Advocate General, Punjab.

Rajan Gupta, J.(oral)

This is a petition under Section 439 Cr.P.C. seeking regular bail in a case registered against the petitioner under Sections 302, 307, 341, 427, 148, 149 read with Section 34 IPC and Sections 25/27/54/59 of Arms Act at Police Station Jhunir, District Mansa, vide FIR No.19 dated 16.04.2015.

Learned counsel for the petitioner submits that statement of PW-1 namely, Gurpyar Singh has been recorded. Petitioner has not been named therein. Thus, petitioner is entitled to be enlarged on bail. He submits that co-accused namely, Sukhwinder Singh @ Kala has already been granted the concession of bail.

Prayer has been vehemently opposed by the State counsel. According to him, allegation against the person, who has been granted

concession of bail, was that he was accompanying the other accused. Petitioner namely, Jagtar Singh was, however, driving the vehicle wherein the accused went and murdered the deceased. Thus, he is not entitled to concession of bail.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

Case was registered on the statement of Gurpyar Singh, employed as a Physical Teacher in Senior Secondary School, Sardulgarh. He stated that he got married to Simarjit Kaur and was granted protection by the High Court vide order dated 29.9.2014. Simarjit Kaur was also employed in a school at Sardulgarh. On 16.4.2015 both complainant and his wife were proceeding to Sardulgarh for attending their duty. At about 7.45 A.M., they reached near Gill Petrol Pump. At that time, a car hit their motorcycle. Accused alighted from same and encircled the couple. Makhan Singh fired number of shots at his wife Simarjit Kaur. Others caused injuries on his head. Simarjit Kaur succumbed due to gunshot injuries.

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.

(RAJAN GUPTA)
JUDGE

April 07, 2016
'Rajpal'