

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

**CRM No. M-8832 of 2016
DECIDED ON: AUGUST 03, 2016**

SUCHA SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. D.S. Pheruman, Advocate
for the petitioner.

Mr. Sidakmeet S. Sandhu, AAG, Punjab.

Mr. Jasraj Singh, Advocate
for the complainant.

JASPAL SINGH, J

By virtue of this petition preferred under Section 439 Cr.P.C, petitioner has sought regular bail in case FIR No. 83 dated 08.10.2013 under Sections 302, 307, 452, 382, 323, 324, 148, 149 IPC and Section 25 and 27 of Arms Act registered at Police Station Dera Baba Nanak, District Gurdaspur.

The contention of learned counsel for the petitioner is that petitioner has been falsely implicated in the instant case. In fact, he was not present at the spot on the day of alleged occurrence. He was very much present in Police Station Qila Lal Singh from 8 a.m. to 12.40 p.m. on 08.10.2013, where he was posted as MHC. It was only at 12.40 p.m. he left the police station.

However, the occurrence is alleged to have taken place at 11.30 a.m. on 08.10.2013. Petitioner made various representations to different authorities, including the Human Rights Commission. A detailed enquiry was conducted by Human Rights Commission who forwarded the inquiry report to the Secretary, Punjab Human Rights Commission, Chandigarh vide letter No. 06.01.2015. The inquiry was conducted without any influence and as per the inquiry report, petitioner has been found innocent and that he has been falsely implicated in the instant case.

It has further been contended by learned counsel for the petitioner that though, as per the contents of FIR petitioner was armed with pistol at the time of alleged occurrence but there is no recovery of any such fire arm, which falsifies the case of the prosecution. Moreover, the petitioner was arrested in this case on 18.06.2014. Since then, he is suffering incarceration. Challan has already been presented, which is not likely to be finalized within a short span of time, especially, in the circumstances that the trial of the case is yet to commence after summoning of other two accused on the basis of an application moved under Section 319 Cr.P.C.

On the other hand, learned State counsel has strongly opposed the bail and has refuted the various submissions putforth by the petitioner. It has been submitted by him that petitioner is guilty of heinous crime who actively participated in the occurrence, in which, two persons have lost their lives whereas, complainant has sustained injuries in his abdomen which has also been declared dangerous to life.

This Court has given an anxious thought to the rival submissions made by learned counsel for the parties and have perused the record.

Undoubtedly, as per the case of prosecution petitioner as well as Parminder Singh fired three shots each which resulted into the death of Bhagwan Singh and Ranjodh Singh at the spot. Moreover, injuries were not only sustained by complainant which has been declared to be dangerous to life but other family members also. No doubt, the petitioner has pleaded *alibi* which is a matter of evidence during trial. Petitioner was also found absent from duty at 12.40 p.m. , regarding which DDR was recorded by SI/SHO.

In view of the seriousness and gravity of offence mere length of incarceration is itself no ground to enlarge the petitioner on bail. Similarly, non recovery of pistol from the petitioner is also no ground to grant the concession of bail to the petitioner, at this stage.

In the light of what has been discussed above but without expressing any opinion on the merits of the case, this Court does not find any merit in the instant petition.

Accordingly, instant petition is dismissed.

AUGUST 03, 2016
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(JASPAL SINGH)
JUDGE

Whether	Speaking/Reasoned	Yes/No
Whether	Reportable	Yes/No