

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

CRM-M-9065-2016 (O&M)

Date of decision : 29.07.2016

Jaspal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Mr. H.S. Ichhewal, Advocate,
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by ASI Karnail Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.186 dated 18.10.2015, registered under Sections 302, 307, 324, 323, 148 read with Section 149 of the Indian Penal Code and Section 27 of the Arms Act, at Police Station Sadar Patiala, District Patiala.

Learned counsel, inter alia, contends that the petitioner is not named in the FIR. No specific injury has been attributed to him. The petitioner has been falsely implicated in the present case on the statements of Karam Singh and Sukhdev Singh, as a dispute with regard to property is going on between the parties. There is inconsistency in the statements of both these witnesses. The petitioner is in custody for more than eight months. Further states that similarly situated co-accused, Balbir Singh has

been admitted to bail.

On the other hand, learned State counsel submits that the petitioner actively participated in the crime. The accused came in a jeep driven by the petitioner and in furtherance of their common intention to eliminate the deceased.

Heard

It has come in the investigation that the jeep used by the assailants was being driven by the petitioner. He is also stated to be armed with *kirpan*. Keeping in view the gravity and serious nature of the offence committed by the petitioner and his co-accused, wherein, one person had lost his life, no case for grant of bail is made out, at this stage. The case of co-accused Balbir Singh is not at par with that of the petitioner. Co-accused Balbir Singh has been shown to be 85% handicapped. The discrepancies, if any, in the statements of the eye-witnesses shall be considered by the trial Court at appropriate stage.

Dismissed.

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

29.07.2016
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(JITENDRA CHAUHAN)
JUDGE

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